

**Building Walls and Breaking Laws: An Analysis of the European Union's  
Failure to Address the Migrant Crisis**

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## Definitions

*Amsterdam Treaty*: included more reforms to the TEU, especially a broadening of EU level foreign policy powers and expansion of EP legislative capabilities; signed in 1997

*Asylum*: the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country is well-founded.

*Common European Asylum System (CEAS)*: a set of asylum and migration regulations first established in 1999 to control the reception and distribution of migrants throughout the EU; includes the Dublin Regulation

*Common Foreign and Security Policy (CFSP)*: replaced the EPC in 1992 but relied upon intergovernmental cooperation, making it largely inefficient

*Common Security and Defense Policy (CSDP; formerly European Security and Defense Policy or ESDP)*: established in 1999 to correct some of the issues with the CFSP, including the inability to sanction interventions and military action; control by the Council of Ministers confined it to similar intergovernmental restrictions

*Competences*: areas delegated to EU, member state, or shared powers and jurisdictions

*Council of the EU (formerly the Council of Ministers)*: comprised of heads of state and their national ministers; negotiates legislation, often in conjunction with the European Parliament

*Crisis*: a situation in which the future of the European Union is questioned, normally due to a failure of important policies, a challenging of its power and integration capabilities, or both

*Dublin Regulation*: determines which state must process individual asylum claims; currently in its third iteration (Dublin III) while the European Parliament undergoes talks for Dublin IV

*Early Warning Mechanism (EWM)*: a key component of the CEAS that is meant to trigger aid when individual countries become overburdened by migration pressures; has never been utilized due to several issues with the legislation and the political implications

*Economic and Monetary Union (EMU)*: a complete common market with a full customs union; includes all EU economic and monetary policies

*Emergency Relocation System*: the act that established the quota system in 2015, redistributing thousands of refugees and migrants from Greece and Italy to other member states; was originally meant to last two years but has been extended indefinitely

*EURODAC*: the EU's fingerprint database that allows nations to share data and information on all asylum applicants

*European Asylum Support Office (EASO)*: oversees member state compliance with the CEAS and provides financial and logistical support when needed

*European Border and Coast Guard Agency (FRONTEX)*: protects EU borders and patrols the waters around the EU; its powers have been expanded recently in response to the migration crisis

*European Central Bank (ECB)*: establishes monetary policy for the EU and monitors the shared Euro currency

*European Coal and Steel Community (ECSC)*: the first iteration of the EU and solely an economic institution, formed in 1951 by six member states to address post-World War II concerns by creating economic interdependence and thus discouraging future conflict

*European Commission*: the first political body established to oversee the economic operations of the ECSC and the ECC; comprised of one commissioner from each member state selected to act on behalf of the EU rather than the individual nations; an executive body that works to propose new laws and strategies for the Union

*European Communities (EC)*: combined the ECSC, the ECC, and Euratom (European Atomic Energy Community) to form one cohesive institution in 1965; still primarily economic in nature

*European Council*: an institution that defines the EU agenda; composed of the heads of state, the European Council President, and the European Commission President and meeting three times per year to discuss major issues and policies

*European Court of Justice (ECJ)*: the highest court in the EU, which is meant to interpret EU law and settle disagreements between the member states or the states and the supranational government

*European Economic Community (EEC)*: established in 1955 under the Treaty of Rome to expand the ECSC to all markets

*European Defense Community (EDC)*: a failed proposal that would have combined military forces of the existing member states but was vetoed by France in 1954

*European Integration*: the increasing interdependence among and connections between member states of the EU in the form of supranational and intergovernmental institutionalization, regulation, and policy-making

*European Parliament (EP)*: established in 1979 as the first political legislative body; composed of representatives from each member state to act in a supranational rather than intergovernmental manner

*European Political Cooperation (EPC)*: the first document to record any kind of proposal for foreign policy cooperation between member states; established in 1970

*Eurosceptic*: a term describing people, groups, or parties who are generally opposed to the EU and/or its continued expansion, typically because they support national power over supranational power or believe the Union does not represent the demands and desires of individual states

*Eurozone*: the area in which the Euro currency is used; currently includes 19 of the 28 member states

*EU-Turkey Statement*: an agreement between the Union and Turkey signed in 2016 to limit the number of migrants leaving Turkey for Greece; Turkey receives financial support in exchange for restricting the number of people smuggled across the Mediterranean

*Exchange Rate Mechanism (ERM)*: developed in 1979 to control currencies in preparation for the adoption of the Euro

*Functionalism*: integration through pragmatism; developing new policies and practices based on immediate demand in order to work towards a greater future goal

*Integration*: the process of separate states agreeing to increase cooperation in political, economic, social, cultural, or other spheres via the construction of shared laws and/or institutions

*Intergovernmentalism*: integration is the product of a conscious decision by member states to combine resources and ensure cooperation for individual and collective gain; according to this theory new policy and integration requires intergovernmental action via group deliberation, negotiation, and agreement

*Lisbon Treaty*: the most recent of the EU treaties, signed in 2009 to update the TEU and the TFEU

*Neo-functionalism*: a theory of integration defined by elite power over the process and claiming that the trajectory is driven by a “spillover” effect in which one step in integration will lead to demand for another; also states that elites choose to integrate shift policy efforts to the supranational level in order to draw attention from struggles at the national level and/or because they believe that those efforts will be managed more successfully by supranational government

*Politicization*: increased political and public debate, widespread media coverage, and polarization of opinions; this can occur with a particular issue (such as migration), or in a broader context (such as the politicization of general EU politics)

*Post-functionalism*: integration is determined by the “permissive consensus,” allowing the process to continue, and the “constraining dissensus,” which stalls the trajectory; politicization, often used by parties who invoke identity issues, slows integration because it calls attention to EU issues and involves public opinion where it was previously absent

*Qualified Majority Voting (QMV)*: a voting system used in the Council of the EU (Council of Ministers) in which 55% of member states representing 65% of the total EU population must

vote upon a measure to pass it; a blocking coalition must be composed of at least four member states with at least 35% of the population

*Refugee*: any person forced to flee from their country by violence or persecution

*Schengen Zone/Area*: a system of cooperation that allows people to move freely within EU member states without being subjected to border checks; all member states are a part of the Schengen Area except Bulgaria, Croatia, Cyprus, Ireland, Romania, and the United Kingdom. Bulgaria and Romania are working to join the Schengen Area. Iceland, Norway, Switzerland, and Liechtenstein (all non-members) are always included in the Area

*Single European Act (SEA)*: streamlined negotiation and voting practices, further integration the EMU, and gave more power to the EP; enacted in 1987

*Temporary Protection (TP)*: a type of refugee and asylee protection status granted to applicants for a limited amount of time, typically defined by the length of the conflict or natural disaster that has driven them from their homes; most European countries adopted this legislation during the Yugoslavian migrant crisis with the assumption that migrants would return home after the Wars had ended; the EU then reformed and adopted a common TP policy to be used in the case of future migrant crises, though it has yet to be employed during the current crisis

*Treaty Establishing a Constitution for Europe (TCE)*: a failed treaty that would have combined the TEU and TFEU into one “Constitution” but was voted down by two referendums in 2005

*Treaty on European Union (TEU; also called the Maastricht Treaty)*: signed in 1992 to create the European Union, adding social issues to the EU’s jurisdiction and creating “European Citizenship”

*Treaty on the Functioning of the European Union (TFEU; formerly called the Treaty of Rome)*: signed in 1955 to create the ECC and later renamed the Treaty establishing European Community (TEC); the Treaty of Lisbon renamed it the TFEU in 2009

## **Timeline of European Integration**

*Treaties and enlargements included in italics*

*1951: European Coal and Steel Community established with six countries: France, West Germany, Italy, Belgium, Luxembourg, and the Netherlands*

1952: First meeting of Special Council of Ministers (later Council of the EU)

1954: European Defense Community proposal vetoed

*1955: Treaty of Rome creates European Economic Community*

1958: European Commission formed

*1965: European Communities created by combining European Coal and Steel Community, European Economic Community, and European Atomic Energy Community*

1970: Economic and Monetary Union proposed

1970: Davignon Report creates European Political Cooperation

1979: European Monetary System established, Exchange Rate Mechanism goes into effect

*1973: Ireland, the UK, and Denmark join the EC*

1974: First iteration of the European Council officially established

1979: European Parliament established

*1981: Greece joins the EC*

1983: European Political Cooperation expands supranational powers

*1986: Portugal and Spain accede*

1987: Single European Act begins transition to complete single market and increases supranational power of political institutions

*1992: Maastricht Treaty creates the European Union, officially establishes Economic and Monetary Union*

1992: Common Foreign and Security Policy replaces European Political Cooperation

*1995: Austria, Finland, and Sweden become members of the EU*

*1997: Amsterdam Treaty signed, creates asylum, immigration, and border policies*

1997: Dublin Convention establishes precursor to Dublin Regulation



1998: European Central Bank founded

1999: Euro becomes official currency of the EU

1999: European Security and Defense Policy instituted

1999: Common European Asylum System established

2001: Temporary Protection Directive established

2002: Euro enters circulation

2003: European Security Strategy published, explains EU role in global affairs

2003: Dublin II Regulation instituted

*2004: Ten new member states join the Union: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, and Slovenia*

2005: Treaty Establishing a Constitution for Europe fails to be ratified

*2007: Bulgaria and Romania accede*

2008: EU publishes its Policy Plan on Asylum to define goals for Common European Asylum System and outline the five components of the system

*2009: Lisbon Treaty signed*

2009: Common Security and Defense Policy replaces European Security and Defense Policy

*2013: Croatia joins the EU*

2013: Dublin III Regulation instituted

## Chapter 1: Introduction

*“Is this how ‘Europe’ ends?” – Reuters<sup>1</sup>*

On June 23, 2016, the United Kingdom voted to leave the European Union.<sup>2</sup> In April of 2017, Hungary announced that it had finished a second segment of its wall on the borders of Serbia and Croatia.<sup>3</sup> It was not the first state to construct such a barrier, and nor will it be the last if Austria follows through on its own plans to build one along its border with Hungary.<sup>4</sup> Though Marine Le Pen lost France’s May 2017 election, there was a period of time when the continent felt the potential of an anti-Europe, pro-succession candidate in one of the Union’s most significant and historically pro-EU member states.<sup>5</sup> The common thread among these events is the refugee and migrant crisis, which has affected the entire continent as several million people from Syria, Afghanistan, Iraq, Pakistan, Nigeria, and a myriad of other countries arrive seeking asylum.<sup>6</sup> UNHCR defines “refugee” as “any person forced to flee from their country by violence or persecution.”<sup>7</sup> It describes asylum as “the right to be recognized as a refugee and receive

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<sup>1</sup> Alastair Macdonald and Noah Barkin, “End of Europe?,” *Reuters*, January 18, 2016, <http://www.reuters.com/article/us-europe-migrants-alarm-insight-idUSKCN0UW107>.

<sup>2</sup> Alex Hunt and Brian Wheeler, “Brexit: All you need to know,” *BBC News*, September 5, 2017, <http://www.bbc.com/news/uk-politics-32810887>.

<sup>3</sup> Alasdair Sandford, “Hungary Completes New Anti-Migrant Border Fence with Serbia,” *Euronews*, April 28, 2017, <http://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia>.

<sup>4</sup> “Austria Lays Groundwork for Hungarian Border Fence,” *Reuters*, September 20, 2016, <https://www.reuters.com/article/us-europe-migrants-austria/austria-lays-groundwork-for-hungarian-border-fence-idUSKCN11Q0R0>.

<sup>5</sup> Rory Mulholland, Henry Samuel, James Rothwell, Ashley Kirk, and Barney Henderson, “French Election Results,” *The Telegraph*, May 7, 2017, <http://www.telegraph.co.uk/news/2017/05/07/french-election-live-marine-le-pen-emmanuel-macron-presidency/>.

<sup>6</sup> “Asylum Statistics,” Eurostat: Statistics Explained, European Commission, June 21, 2017, [http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics).

<sup>7</sup> “What is a Refugee?” USA for UNHCR: The UN Refugee Agency, last modified 2017, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.

legal protection and material assistance.” According to UNHCR’s definition, the asylum seeker must show that “his or her fear of persecution in his or her home country is well-founded.”<sup>8</sup>

In 2015 and 2016, Germany accepted over one million refugees and migrants<sup>9</sup> and Sweden received about 300,000, each opening their doors in actions independent of EU regulation.<sup>10</sup> Although these states did not experience direct EU-level backlash, anti-immigrant political parties began to climb in the polls just as they did in France, Poland, Greece, and many other states. Germany and Sweden acted in the hopes of inspiring greater cooperation and sharing of refugees, accepting great numbers in an effort to encourage other countries to assist those that have felt the brunt of the crisis: Greece and Italy. Despite this, many member states have failed to respond and some have even rejected legal regulations and requirements imposed upon them by the Union.

Integration, the process of separate states agreeing to increase cooperation in political, economic, social, cultural, or other spheres via the construction of shared laws and institutions, has long been a fundamental goal and ideal for the Union. Though different actors have had different ideas about how to pursue it, the success of the EU has often been gauged based upon the progress of its integration. Throughout its almost 70 years of existence, the European Union has faced many economic and political challenges that have changed and molded the definition of an integrated, supranational power, altering both its limits and its incredible potential. Today,

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<sup>8</sup> Ibid.

<sup>9</sup> “Immigrant Population Hits New High in Germany,” *Reuters*, last modified August 1, 2017, <https://www.reuters.com/article/us-germany-immigration/immigrant-population-hits-new-high-in-germany-idUSKBN1AH3EP>.

<sup>10</sup> Patrick Scott, “Data Analysis: The true scale of immigration and crime in Sweden in five charts,” *The Telegraph*, February 22, 2017, <http://www.telegraph.co.uk/news/2017/02/22/data-analysis-true-scale-immigration-crime-sweden-five-charts/>.

however, the Union is faced with a migration crisis that seems to be insurmountable and has led to exit negotiations with one of its long-time members, a drastic rise in populism across the continent, and noncompliance with the regulations and open border policies that are considered to be the foundation of the EU. After so many years of positive integration and deepening of economic, political, and social ties, has the Union finally met with a crisis simply too big to handle? Will this really be the end of the EU as we know it?

## **I. Question**

In this tense situation, the Union faces a challenge unlike any before. The Schengen zone has been compromised (several states have initiated border controls and built fences, breaking the foundational principle of free movement of people and goods), extreme right populist parties are threatening to push the entire Union into Euroscepticism, and several states are refusing to comply with EU rule of law. In the media, and not infrequently in academia, the refugee crisis is proclaimed to be the potential end to the EU – as we know it or altogether. This idea inspires the question central to my research: What is particular about the refugee crisis that has caused the member states to reject EU regulations and treaties and what does this reveal about the institutional flaws in European foreign and security policy? Perhaps the sheer number of people entering the EU really is too much. Perhaps no state or governing body would be capable of dealing with such an influx. However, 3 million migrants in the EU are equal to less than .4% of the Union's population while refugees account for over 3% of Turkey's population;<sup>11</sup> neither comes close to Lebanon's refugees, which in 2014 made up about 23% of the total population.<sup>12</sup>

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<sup>11</sup> "Turkey Records Largest Number of Syrian Refugees, UN Reports," *Daily Sabah*, June 20, 2017, <https://www.dailysabah.com/politics/2017/06/20/turkey-records-largest-number-of-syrian-refugees-un-reports>.

<sup>12</sup> Niall McCarthy, "The Countries With The Most Refugees Per Capita," *Forbes*, June 18, 2015, [https://blogs-images.forbes.com/niallmccarthy/files/2015/06/20150618\\_Refugees\\_Fo.jpg](https://blogs-images.forbes.com/niallmccarthy/files/2015/06/20150618_Refugees_Fo.jpg).

Furthermore, my research suggests that the EU has struggled to define itself in foreign and security policy because this area of governing involves a more cohesive social and cultural identity, which can be difficult even for a smaller group of nations to decide upon, much less a party of 28. After decades of progressive integration, the EU is finally experiencing major backlash against that increasing supranational power that would have them not only share a common market, but share a larger identity and share migrants – migrants who have diverse cultural, social, and religious backgrounds that are not all stereotypically “European.” The challenge of the refugee crisis is unique because not only did the EU lack mechanisms to address the crisis; it also failed to provide adequate solutions in the following years. The responsibility for this shortcoming falls upon the absence of institutional and practical support and attention to policy areas involving foreign affairs, security and defense, and asylum and immigration. Historically speaking, there has always been a sense of hesitation and greyness surrounding any EU field not strictly economic or political. Without a strong institutional identity – my term for the actors’ perception of the foundations and direction of their organization – it remains unclear where the power lies and the European Union cannot truly enforce its authority in these policy areas.

The question of structural failure is critical because it aims to assess the conditions of a Europe that is teetering on the edge of, if not collapse, then at the very least major change. I define “crisis” as a situation in which the future of the EU is thrown into question. This can concern the EU’s existence as a polity, but more often than not it relates to a serious failure of EU policy or questioning of its power. In forming my analysis, I include references to three other crises to compare and contrast with the current crisis in order to evaluate the pre-existing response mechanisms, the newly formed mechanisms, and the results of those efforts to alleviate

the crisis. Those other crises include the Yugoslavian refugee crisis in the 1990s and early 2000s, the Constitutional crisis in 2005, and the Euro crisis in 2008 (and continuing until approximately 2014).

In this chapter, I discuss each of the main areas of European integration as they have progressed throughout history, beginning with economic, then political, and lastly foreign and security policy. This history serves to explain how the EU has changed over time, how it has arrived at its present state, and how its development affects its ability to resolve current political and institutional issues. After this, I detail a brief timeline of migration in Europe and outline the Common European Asylum System, its history, and its current state. Finally, I address the EU's response to the current refugee and migrant crisis.

## **II. Establishment and Economic Integration**

The original purpose of the European Union was economic integration, a goal that has driven the institution to increase its originally limited sphere of influence to nearly every aspect of economic life throughout the continent. First formed in 1951 as the European Coal and Steel Community, the governing body had only six founding members and was created with the post-World War II goal of avoiding future conflict. Jean Monnet of France envisioned a continent in which the common market forced such powers to become economically interdependent, thus making war impossible. (Whether this was a reasonable goal or not, the concept of head-down economic integration was undoubtedly blind to the spillover effect that would follow, a series of events that becomes problematic when one considers that the entire basis of the EU is economic integration and not political or social.) Over the next several years, France, West Germany, the Netherlands, Luxembourg, Belgium, and Italy opened their markets and removed tariffs. By 1955, they signed the Treaty of Rome to create the European Economic Community and the

market was expanded to all trade (not only coal and metals), a customs union was established, and the states initiated free movement of labor and capital.<sup>13</sup> Soon after this, the six member nations created their first truly political body, the European Commission, to govern over the other institutions and monitor policy and regulations. In 1965, the European Coal and Steel Community, the European Economic Community, and the European Atomic Energy Community (Euratom) were combined to create the European Communities (EC), a more condensed and integrated form of those organizations already in place.

Within the next five years, plans would be formally announced for the EC to continue its economic expansion and form an Economic and Monetary Union (EMU), a true common market with complete movement of labor and a full customs union.<sup>14</sup> It did not take long for these goals to come to fruition; by the end of the 1970s the European Monetary System (the precursor to the EMU) was established, the Exchange Rate Mechanism (ERM) went into effect to control currency rates and prepare for the common currency, and all customs duties were abandoned.<sup>15</sup> At this point in time, the small number of EC member states and specific, shared principles made it easier to find consensus on a variety of issues. As the community grew, it would become more difficult to negotiate among members. These first 20 years of what would later become the EU were defined by a largely functionalist ideology, in which pragmatic choices were made first to provide peace, and later to expand the Union little by little until it became a cohesive economic unit.

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<sup>13</sup> Clare Daley, "Timeline of European Integration," CIVITAS Institute for the Study of Civil Society, last modified August 2015, <http://www.civitas.org.uk/content/files/OS.15.TimelineEUIntegration.pdf>.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

### III. Political Integration

With all of these economic changes, it became necessary to adapt political bodies that would regulate the increasingly integrated economic ones. This resulted in political integration that, though delayed, has been equally critical. Through an extensive accession process, in which the candidate countries must agree to many conditions and negotiate a lengthy *acquis*, three more states were added to the EC; Ireland, the United Kingdom, and Denmark joined in 1973, though the UK opted out of the Exchange Rate Mechanism. The first European Parliament (EP) was selected in 1979 to act as the official legislative body, a group of representatives from each state who made decisions at a supranational, rather than intergovernmental, level. This major step was just the beginning of the “spillover” that was to follow. With the expansion of the economic components of the Union, more political power was employed to properly monitor and maintain them. Proposed in 1985 and officially established in 1987, the Single European Act made this trend a reality.<sup>16</sup> The Single European Act set up the rules for transitioning to a completely unified market and more importantly, created Qualified Majority Voting (QMV) to replace the member state veto power, which had always slowed progress in the common market. The QMV system requires 55% of states to vote to pass a measure in the Council of the EU (comprised of heads of state and their national ministers), with those states constituting at least 65% of the EU’s population (these numbers were previously 74 and 62, respectively). The European Parliament also gained power and influence over EC affairs and the institution began to talk of moving from a “community” to a “union,” implying a bond more cohesive and widespread than simple economic association.

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<sup>16</sup> Ibid.



By 1992 and the signing of the Maastricht Treaty, the EC officially became the European Union and was home to 12 member states. This latest treaty solidified even further the EU's steps towards political union by defining "European Citizenship" (Europeans have the right to live and vote in any member state) and signing a section on social policy, which looked towards greater non-economic cohesion across the continent. Before the end of the century, QMV had expanded to cover many more areas formerly at the whim of national vetoes, the EU had created a European Central Bank (ECB), and 11 of the now 15 member states were using the same currency, the Euro.<sup>17</sup> Also very important, the Schengen Zone (an area of border check-free travel between member states) became official as every country but the UK and Ireland abolished their borders with fellow EU members.<sup>18</sup> Throughout the 1990s and early 2000s, the Union expanded to include 28 states and welcomed several more members into the Eurozone. While the Treaty Establishing a Constitution for Europe failed to be ratified, the Lisbon Treaty was signed into effect in 2009, creating a Charter of Fundamental Rights and giving greater political power to the Union. At this point, the EU reached a balance of powers nearly equal to that of today.

After the growth of supranational politics (rather than solely economics) in the 1970s and 1980s, the public began to pay more attention to the EU as a governing body and political parties adopted EU stances as important, if not central, facets of their platforms. Some people reacted negatively to the EU's political salience and progressive integration, and during this time we see a rise in the popularity of Eurosceptic parties. Although national identity was not a new issue and there have always been anti-EU, nationalist groups, the increasing salience of supranational

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<sup>17</sup> Ibid.

<sup>18</sup> "A timeline of the EU," *BBC News*, March 12, 2007, <http://news.bbc.co.uk/2/hi/europe/3583801.stm>.

politics sparked a more politicized identity debate and inspired new Eurosceptic parties, which have since become increasingly appealing to many voters. As the aforementioned integration spillover occurred, parties, media, and the public all began to debate supranational politics and the role of the EU in governing (or not governing) various aspects of life on the continent. Critics claimed that the EU was doing too much, overstepping the bounds of its originally “intended” role as a common market and taking control where the individual nations should be left to govern. Supporters argued for the values of having a more powerful, united economy, the benefits of integration in a globalized world, and the increased international influence that the states would have under a united political front. This debate continues today, yet despite the perceived growth of the EU, there are still areas in which the supranational government has little influence. Sometimes this is because EU competences are legally restricted and the Union is only allowed to “support, coordinate, or complement the action of the member countries,” such as in the fields of public health, culture, and civil protection.<sup>19</sup> In other cases, including foreign affairs and security, the weak influence is due to lack of support from states, elites, and the public, or because the policies in place have simply been ineffective.

#### **IV. Attempts at Foreign and Security Policy Integration**

Until the European Union created a body to monitor asylum in 1999, there was no institution or program to monitor any kind of immigration or migration. There is no concrete structure or system that we can study to understand how this has evolved over the decades. It is for this reason that I now address the history of European foreign and security policy integration. Though some of the policies and practices discussed in this section are more focused on issues

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<sup>19</sup> “Areas of EU Action,” What the European Commission Does, European Commission, accessed December 8, 2017, [https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action\\_en](https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action_en).

such as military intervention, I include them because, without a real migration policy, the institutions involved provide the only basis for understanding this area of EU politics.

Foreign and security policy has long been a sore subject for the EU. From the beginning, the member states have debated the role of supranational powers in this arena and hardly come to a solid conclusion. The very first efforts at a common defense policy came in 1952, when the original six members proposed a plan for a European Defense Community. According to this treaty, they would combine troops into a force that would provide increased protection and security during an era of Cold War tensions. With member states, specifically France and Germany, still uncertain about trusting each other with rearmament and not confident that they could agree on issues such as deployment, the European Defense Community stalled and was ultimately vetoed by France in 1954.<sup>20</sup> After this failure, Europe steered clear of foreign policy in all areas that were not economic (they did establish external tariffs and other measures related to their common market). They allowed NATO and the UN to develop rules, regulations, and suggestions that would dictate their use of military and police intervention and provide a common security policy until 1970, when the Davignon Report created the European Political Cooperation (EPC). Prior to this, the EC had enacted an agreement that provided aid to other parts of the world such as Africa and attempted, briefly, to discuss a common foreign policy, but this pact was the first formal such document. Far from binding the states to any kind of policy or position, it did encourage conversation and consultation on a variety of foreign and security matters, especially those that would have the potential to affect the other member states.

In 1973, the EC produced a declaration aimed at defining its role in global affairs. Along with assurances of peaceful, positive intentions, it stated that it had an obligation to

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<sup>20</sup> “A timeline of the EU.”

“progressively define common positions in the sphere of foreign policy.”<sup>21</sup> Soon after, the formation of the European Council added to this atmosphere of flexible cooperation. The body, made up of heads of state and their foreign ministers, were to meet three times a year to talk about the state of the EC and its foreign policy plans and initiatives. Over the next several years, the European Community continued to release statements in support of or condemning various events and issues around the world, but it rarely put any kind of plan into action to sanction those whom it condemned. In 1983, an expanded European Political Cooperation allowed for action in the face of matters of political and economic security and a few years later the Single European Act further established the concept of a common security policy with its words of integration and coordination.<sup>22</sup> This document called for a definition of EU identity in foreign policy affairs, and asked for states to find common ground and keep each other informed of external relations. Whether this actually led to a true common policy or identity is questionable, but by the time of the Maastricht Treaty the EU had decided to replace the European Political Cooperation with the Common Foreign and Security Policy (CFSP), which laid out a broad range of goals for things like safeguarding the Union’s values and promoting international peace. Importantly, it required “systematic cooperation and... joint actions,”<sup>23</sup> which greatly diminished any chance the CFSP had to act as a supranational body. In short, the CFSP was built with an intergovernmental structure, relying upon absolute consensus to declare positions or initiate action, which ultimately made it ineffective. Whenever consensus is required, and especially when those

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<sup>21</sup> Federiga Bindi, “European Union Foreign Policy: A Historical Overview,” in *The Foreign Policy of the European Union: Assessing Europe’s Role in the World*, ed. Federiga Bindi (Washington, D.C.: The Brookings Institution Press, 2010): 13-38, [https://www.brookings.edu/wp-content/uploads/2016/07/theforeignpolicyoftheeuropeanunion\\_chapter.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/theforeignpolicyoftheeuropeanunion_chapter.pdf).

<sup>22</sup> Ibid., 20-24.

<sup>23</sup> Ibid., 26-27.

situations involve decisions about foreign policy or national security, the deliberation process becomes much more difficult and rarely results in powerful or far-reaching action. As is true with many supranational institutions, the CFSP needed broad agreement among member states; even one holdout would make decisions and positions appear illegitimate and weaken their force. “Highly institutionalized” but never actually doing much in terms of concrete action, the CFSP failed to prove itself as an efficient mechanism for foreign policy because it relied on consensus for its credibility.<sup>24</sup>

This lack of action in security measures paved the way for the European Security and Defense Policy (ESDP), which in 1999 allowed the EU to move forward in the international community by actually sanctioning police and military interventions abroad. Though the ESDP conducted missions with varying levels of success, it remained under control of the Council of Ministers rather than any of the supranational bodies and thus acted as another intergovernmental institution rather than a force capable of really defining policy and practice for a group of states intent on maintaining their consensus and veto methods.<sup>25</sup> The Treaty of Lisbon renamed the ESDP as the Common Security and Defense Policy (CSDP) and included new clauses about solidarity and expanded ranges of tasks and possible actions.<sup>26</sup> The EU, along with the Common Security and Defense Policy, was trapped in a loop of desire for intergovernmental action in an area where only supranational power would suffice.

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<sup>24</sup> Christopher J. Bickerton, Dermot Hodson, and Uwe Puetter, "The New Intergovernmentalism and the Study of European Integration," in *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era* ed. Christopher J. Bickerton, Dermot Hodson, and Uwe Puetter (Oxford: Oxford University Press, 2015): 15, <http://www.oxfordscholarship.com.libproxy.lib.unc.edu/view/10.1093/acprof:oso/9780198703617.001.0001/acprof-9780198703617-chapter-1>.

<sup>25</sup> Ibid., 9-10.

<sup>26</sup> “Shaping of a Common Security and Defence Policy,” European Union External Action, European Union, last modified August 7, 2016, [https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy_en).

The Common Foreign and Security Policy was expanded under the Amsterdam Treaty, namely by adding a High Representative who could more clearly define policy by negotiating international agreements on behalf of the Union.<sup>27</sup> In 2003, Europe took more concrete steps towards creating a common security strategy and published a document called the European Security Strategy (ESS) proclaiming the EU's new mission for its role in global affairs.<sup>28</sup> It now began preparing troops for a role in international interventions and conflicts. Following the 2001 terrorist attack in the United States, the EU established its own anti-terrorism policy and plan to combat this threat.<sup>29</sup>

## **V. History of Migration and Immigration in the EU**

It is clear that while the EU has very slowly made its way toward a more deeply integrated system of foreign and security policy, this part of the governing body is very far behind those of the political and economic spheres. The steps to developing a common policy and identity are admirable and not entirely ineffective, but they fail to create a truly united front as the EU addresses global issues, both abroad and at home. The strength in joint action is the power that a unified force delivers. When that force (troops or sanctions or simply a statement of condemnation) is not actually based on consensus or a body with the ability to speak and act for all, it loses that power. In the economic and in much of the political arena, member states have allowed the EU to assume supranational powers in order to create a more efficient and workable Union. When it comes to foreign and security policy, conflicting identities makes even the simplest decisions more difficult. Even when the states have agreed on an initial policy, they are eager to debate every future action.

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<sup>27</sup> Bindi, "European Union Foreign Policy."

<sup>28</sup> "Shaping of a Common Security and Defence Policy."

<sup>29</sup> Ibid.

I addressed the history of foreign and security policy integration because prior to the Amsterdam Treaty, there was no official EU institution regulating asylum or immigration. Without those policies, an analysis of foreign affairs, defense, and security is the only way to understand the Union's struggles with integration in the non-economic and non-domestic political fields. In 1997, the Amsterdam Treaty established asylum, immigration, and border control as areas all falling under pillar one (European Communities) rather than pillars two or three (Common Foreign and Security Policy, and Police and Judicial Cooperation in Criminal Matters, respectively). This was a vague attempt at defining some sort of structure for future asylum and immigration policy; however, the EU's past efforts have consisted of ignoring those issues and settling for patchwork institutionalization of less-than-adequate policies. Because there have been so few official laws or actions taken concerning migration in Europe, it is important to understand the continent's history with immigration and asylum, and how it arrived at its current state.

The first major wave of migration in recent history occurred in the two decades following the end of World War II. More affluent countries in Northern and Western Europe recruited guest workers from Southern and Eastern Europe, as well as from several countries outside the continent. The majority came from Algeria, Greece, Italy, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia and headed to countries such as Belgium, France, Germany, Luxembourg, the Netherlands, Sweden, and Switzerland.<sup>30</sup> The idea was that those workers would stay for a year or two, fill the need for low-skilled workers in the receiving countries and relieve the economic burden in their native states, and then return home again. In general,

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<sup>30</sup> Christof van Mol and Helga de Valk, "Migration and Immigrants in Europe: A Historical and Demographic Perspective," in *Integration Processes and Policies in Europe*, ed. Blanca Garcés-Mascareñas and Rinus Penninx (Cham: Springer International Publishing, 2016), [https://doi-org.libproxy.lib.unc.edu/10.1007/978-3-319-21674-4\\_3](https://doi-org.libproxy.lib.unc.edu/10.1007/978-3-319-21674-4_3).

immigration was seen in a relatively positive light because it provided economic benefits to all involved.<sup>31</sup>

Towards the end of this period, decolonization also contributed to a great rise in migration because many people moved from former colonies, entering countries where they were technically already citizens. The U.K., France, Belgium, Portugal, and the Netherlands were the main receptors of this movement because they had been the greatest colonial powers. Often fleeing the violence and unrest that followed independence, the migrants included a mix of Europeans “returning” and those of non-European heritage who had more trouble integrating into society in the “mother” countries. Most of these migrants came from different parts of Africa, as well as from India, Malaysia, and Indonesia.<sup>32</sup>

In contrast with the treatment of those who appeared less “European,” the men and women who migrated from Eastern Europe during those years were considered political refugees and valued for their flight from communism to the democratic countries of the West. They were more tolerated because they were from European countries. In the latter half of the 1970s and continuing into the 1980s, European states began pushing back against migration as it became increasingly non-European, and as the OPEC oil crisis damaged the economy and native-born Europeans found themselves unemployed.<sup>33</sup> Despite the ending of the guest worker programs, however, many of the guest laborers and post-colonial migrants remained permanently in the Western European countries and began to bring their families to live with

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

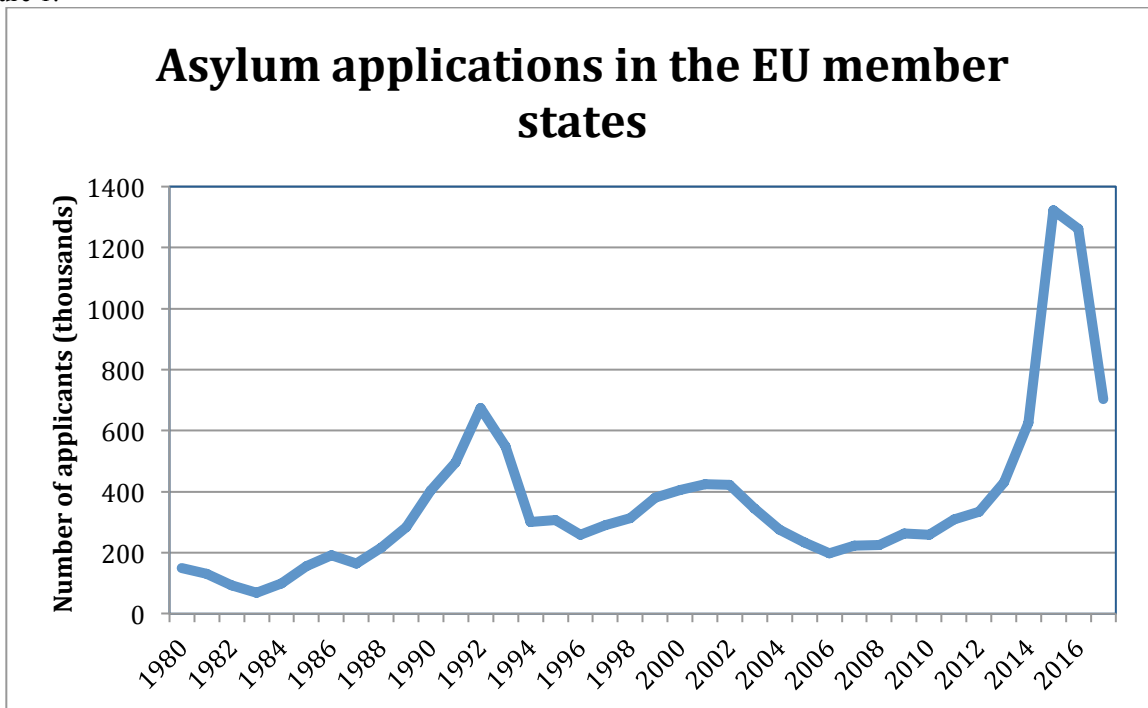
<sup>33</sup> Ibid.



them. With the economy doing poorly, the public began to resent these populations and several nationalist parties gained attention because of their anti-immigrant rhetoric.<sup>34</sup>

Even with attempted halts to migration and growing anti-migrant sentiments, the number of asylum applications rose in the 1990s and early 2000s (Figure 1), first due to the Yugoslavian Wars (with up to 695,000 applicants per year) and later a number of conflicts in the Middle East (Iraq and Afghanistan each sending more than 150,000 asylum seekers). After the Arab Spring there was yet another surge in application from the countries most involved in that movement.<sup>35</sup>

Figure 1.



Compiled with data from Asylum Statistics, Eurostat, last modified March 15, 2017, [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Asylum\\_applications\\_\(non-EU\)\\_in\\_the\\_EU-28\\_Member\\_States,\\_2006-2016\\_\(thousands\)\\_YB17.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Asylum_applications_(non-EU)_in_the_EU-28_Member_States,_2006-2016_(thousands)_YB17.png); Timothy Hatton, "Seeking Asylum in Europe," in *Economic Policy* 19, no. 38 (February 2004): 5-62, <https://doi.org/10.1111/j.1468-0327.2004.00118.x>; "Asylum applicants by citizenship till 2007 Annual data (rounded)," Eurostat, last modified May 8, 2015, [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyctz&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyctz&lang=en).

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

The aforementioned waves compromise the main portions of migration to Europe within the last several decades. Even with record high numbers in the 1990s, however, nothing in recent European history has matched the current flood of refugees and migrants. Not only are the numbers higher, but the people arriving represent incredibly diverse backgrounds and cultures, putting great pressure upon the European Union to recognize the limitations of its existing policies and develop new ones that will adequately address the crisis. Moreover, the EU did not have any kind of common policy for many years and the majority of migrant influxes were handled on a state-to-state basis. Although the Union began developing supranational level immigration and asylum policy in the late 1990s, it took several years to iron out the regulations and they were not put under much stress or heavily utilized until the current crisis began in 2014.

## **VI. Common European Asylum System**

As globalization has continued and migration across continents and oceans has increased in recent years, the European Union has been forced to address the issues of refuge and asylum. Included under a separate pillar but tied to the aforementioned security policies, the Common European Asylum System (CEAS) was created in 1999 to handle the arrival and distribution of displaced persons throughout the continent.<sup>36</sup> The European Refugee Fund and other financial measures were added to the CEAS as it continued to develop over the next several years. In 2008, the EU established a three-pillared Policy Plan on Asylum, which defined the goals of the CEAS as: “bringing more harmonisation to standards of protection by further aligning the EU States' asylum legislation; effective and well-supported practical cooperation; increased

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<sup>36</sup> “Common European Asylum System,” Migration and Home Affairs, European Commission, last modified December 18, 2017, [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en).

solidarity and sense of responsibility among EU States, and between the EU and non-EU countries.”<sup>37</sup> Today, there are five main policies in place that are meant to ensure quick, fair, and humane processing of those seeking asylum: the Qualification Directive, the Asylum Procedures Directive, the Reception Conditions Directive, the EURODAC Regulation, and the Dublin Regulation.<sup>38</sup> The first three directives define who qualifies as a refugee, establishes minimum standards for how they are to be processed upon entry, and describes the minimum conditions the member state must supply. EURODAC was created to increase efficiency by means of a shared system of fingerprinting and identification to be used among member states. The Dublin Regulation determines which state must process individual asylum claims, most importantly stating that, in cases of irregular migration, those arriving in the EU must be processed in the territory they first entered.<sup>39</sup> Other related institutions such as the European Asylum Support Office (EASO) oversee member nations’ compliance with regulations on asylum standards.<sup>40</sup>

## **VII. The Migration Crisis and EU Response**

With these bodies of law and regulation in place, the European Union now faces the greatest migration crisis in its history. Over the past several years (with the largest influx beginning in 2014), the EU has received close to three million refugees and migrants (return to Figure 1), the relative majority of whom have been those fleeing from the civil war in Syria.<sup>41</sup> Thousands of people have died at sea before even reaching land, and thousands more have been crowded together in uncomfortable and unsanitary conditions in countries such as Greece and

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> “Asylum Statistics.”

Italy, where it is most likely they will arrive first.<sup>42</sup> In a single day in October of 2015, Greece received 10,000 refugees traveling from Turkey.<sup>43</sup> In the same year, the Italian government reported rescuing more than 140,000 people at sea as they fled from post-Qaddafi Libya, where threats of the Islamic State's influence have been steadily increasing.<sup>44</sup> Once these people arrive, they are often trapped in small facilities with little food, clothing, and other items important to survival because the receiving countries simply cannot handle the massive number of arrivals.<sup>45</sup> Overwhelmed, the border states have struggled to process and resettle the migrants in an effective and equitable manner.

In response, the EU has adopted various measures to handle the crisis, including increased border and coastal security and forming agreements with Turkey and Libya to curb some of the migration. In addition to this approach, they have made efforts to revise and reform the Common European Asylum System and the Dublin III Regulation, steps that have been met with varied support and minimal success. My research takes a closer look at these attempts because the crisis is not one that will disappear in the following months, or perhaps even years. Many of the largest groups of refugees are fleeing what UNHCR terms "protracted situations," which are projected to last an undetermined number of years into the future. In 2015, the return rate for refugees was the lowest it had been in over 30 years, and though it rose in 2016, UNHCR

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<sup>42</sup> "The EU and the Migration Crisis," European Commission, last modified July 2016, <http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>.

<sup>43</sup> "The EU and the Migration Crisis."

<sup>44</sup> Emma Graham-Harrison and Rosie Scammell, "Surge in Number of Migrants Trying to Reach Italy from Libya," *The Guardian*, February 18, 2015, <http://www.theguardian.com/world/2015/feb/18/thousands-of-migrants-nearly-die-in-a-week-trying-to-reach-italy-from-libya>.

<sup>45</sup> Ibid.

reports that many of these people are returning to unstable and unsustainable conditions.<sup>46</sup> With no clear end on the horizon, it is important to understand why the EU has been unable to manage the problem. While the human tragedy is immense, a detailed description and study of the conditions and struggles of the refugees and migrants falls beyond the scope of this work, which aims to explain the failures of the EU at a level of policy and governance.

The EU has agreed on foreign policy measures that will provide humanitarian aid to several areas where many of the Syrian refugees currently live, such as Jordan and Turkey.<sup>47</sup> It has also provided aid to those already inside the Union and created a newly expanded and strengthened European Border and Coast Guard Agency, which is on duty to protect the security of the borders and act as rescuer to those daring the uncertain sea passage.<sup>48</sup> In addition, it has cracked down on criminal efforts to organize such voyages and established partnerships with several African countries such as Libya to encourage them to cut down migration in return for financial aid.<sup>49</sup>

In two of the most important measures taken, the Union agreed upon an Emergency Relocation System in September of 2015 and then a joint action EU-Turkey Statement in March of 2016.<sup>50</sup> The first of these is a mechanism for relocation of migrants from Italy and Greece to other member states based upon a quota system with an overall goal of about 98,000 (due to

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<sup>46</sup> “Looking for a home,” *The Economist Special Report: Migration*, May 28, 2016, 4.; “Global Trends: Forced Displacement in 2016,” UNHCR, 2017, <http://www.unhcr.org/globaltrends2016/>.

<sup>47</sup> Graham-Harrison and Scammell, “Surge in Number of Migrants.”

<sup>48</sup> “A European Border and Coast Guard: One Year Out,” European Union, 2017.

<sup>49</sup> “The EU and the Migration Crisis.”

<sup>50</sup> “Relocation and Resettlement: Sharing responsibility and opening legal pathways to Europe,” European Commission, September 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_relocation\\_and\\_resettlement-sharing\\_responsibility\\_and\\_increasing\\_legal\\_pathways\\_to\\_europe\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_relocation_and_resettlement-sharing_responsibility_and_increasing_legal_pathways_to_europe_en.pdf).

decreased arrivals, the actual number remains much lower).<sup>51</sup> The Turkey deal aims to decrease the number of arrivals in Greece by encouraging Turkey to crack down on the smuggling of people to the Greek Islands. In exchange for keeping Syrians within their borders and accepting the return of irregular migrants, Turkey receives financial support from the EU and is permitted to send a regulated amount of Syrian refugees to member states for permanent relocation.<sup>52</sup>

Despite these measures, the response from the EU has been sorely lacking. While economic and internal political matters can now be solved, in many cases, by majority or qualified majority voting (as described earlier), most foreign policy and security matters require a more intergovernmental effort, both because of the legal procedures in place and because of the general attitude the EU and its member states apply to such fields. As proven time and again, issues of foreign or security policy are difficult to solve without full consensus, and this case has been no different. Though the EU initially agreed upon a common asylum policy, as the number of refugees has increased the support and compliance has dwindled and in some instances, become nonexistent. The British voted to leave the Union in a shocking referendum labeled “Brexit,” in large part due to their opposition to accepting more refugees. Various national governments have refused outright to accept their assigned quotas (either in part or altogether), and while some, like the Spanish, ultimately accepted them, others still have not. Several Central and Eastern European states, including the Czech Republic, Poland, Hungary, and Slovakia have continually spoken out against the quota system, using language of tyranny and terrorism to support their noncompliance. Hungary and Poland have not relocated a single

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<sup>51</sup> Ibid.

<sup>52</sup> “EU-Turkey Statement: One Year On,” European Commission, March 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu\\_turkey\\_statement\\_17032017\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf).

refugee under the quota system (the Czech Republic has not relocated any in over a year)<sup>53</sup> and states such as Bulgaria and Hungary have actually constructed fences between themselves and other nations to control the flow of migrants.<sup>54</sup> And despite pledging their allegiance to and confidence in EU measures, Austria, Germany, Denmark, and Sweden all established border checks during a time of intense migration in 2015, some of which have continued even today.<sup>55</sup> These events have completely disrupted the Schengen system of open borders and movement throughout the EU. Furthermore, the member nations seem to be ignoring the EU's supranational law as it applies to security policy and placing their own laws and priorities over those agreed upon by the majority (or in some cases the initial consensus).

While the official position of the EU is strong support of refugees, it also emphasizes the difference between refugees and those migrating for financial reasons and applauds itself for decreasing the arrival rates, even when the means are not effective in alleviating the true cause of the migration.<sup>56</sup> And even as the supranational bodies declare a message of open arms and support for those in need, domestic politicians pursue intense debate over the inclusion of outsiders within their borders. Across the continent, populist parties have risen in power and competed in numerous national elections. Some, such as Marine Le Pen in France, threatened to follow Britain's lead and exit the Union if elected. Though she failed to claim victory in May

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<sup>53</sup> "Relocation and Resettlement: Sharing responsibility and opening legal pathways to Europe."

<sup>54</sup> Sandford, "Hungary Completes New Anti-Migrant Border Fence with Serbia."

<sup>55</sup> Jennifer Rankinin Brussels and Angela Giuffrida, "Austrian Troops to Stop Migrants Crossing Border with Italy," *The Guardian*, July 4, 2017,

<http://www.theguardian.com/world/2017/jul/04/austrian-troops-to-stop-migrants-crossing-border-with-italy>; Duncan Robinson and Richard Milne, "EU States Told to Lift Schengen Border Controls within 6 Months," *Financial Times*, May 2, 2015,

<https://www.ft.com/content/0f96d0f2-2f4c-11e7-9555-23ef563ecf9a>.

<sup>56</sup> "The EU and the Migration Crisis."

2017, her strong showing in the election demonstrated a significant shift in attitude in one of the EU's most powerful member states.

The EU is fixated on portraying the crisis as one painted in black-and-white, a view that is neither accurate nor feasible. There are too many circumstances when refugee and asylum applications fall within a grey area and in today's world, people migrate from all over the globe for dozens of reasons, not limited to the violence and direct persecution that politicians eagerly claim as cause for refuge. Environmental disasters and global warming, close to non-existent economic opportunities, and the strain of living in camps or unwelcoming cities in the first country of arrival are all motivations for migration, and they make the processing and resettlement of refugees and migrants much more complicated.

## **VIII. Outline**

In the next chapter of this thesis, I outline the three major arguments on European integration and then explain the concept of politicization, which begins to bridge the gap between the current integration theories and the problems of politicized debate and identity. Most scholars seem to agree that integration leads to politicization, but none of the existing integration theories completely explains the EU's reaction to the refugee and migrant crisis, which contrasts with its response to other crises in the past, when debate increased but states remained compliant. After discussing politicization, I also present several authors' ideas on power, specifically the transfer of power between member states and the EU, and identity, both as it applies to the general public and as it applies to political entities. These two themes are included in my literature review because they will later become critical as I develop my argument in Chapter 4.

In Chapter 3, I explain my methodology. The bulk of my research involved a combination of data from the biannual Eurobarometer public opinion polls, statements and



speeches from the EU and the national governments, and EU treaties and laws. In order to understand what is unique about this crisis that has caused the member nations to move from debate to noncompliant action, I also studied three other crises or moments in history when the future of the EU has fallen into question: the Euro crisis, the failure to sign a new constitution in 2005, and the Yugoslavian refugee crisis. This research was primarily conducted via examination of previous historical and political literature, which I use opposite my original analysis of the refugee and migrant crisis.

Chapter 4 details my argument, which is split into three parts: failure to provide adequate mechanisms before and during the crisis, lack of institutional attention to relevant policy areas, and undefined power structure and institutional identity in relevant fields. It is this final point that I ultimately emphasize as the strongest underlying cause of the EU's struggles. Chapter 5 summarizes the thesis and the argument, and provides a conclusion.

## **Chapter 2: Literature Review**

### **I. Introduction**

Because the crisis is so current, there was not much available research on my specific topic. In order to begin exploring my question about the particularities of the migrant crisis and the EU's underlying structural issues, I studied four areas of literature: integration, politicization, power, and identity. I began with European integration and then moved to politicization and power and identity as I started to see important connections between each of those themes and my evolving research.

As described in Chapter 1, European integration has been a long process. Both that history and the following prevailing theories help to illustrate why citizens and elite actors might react differently to different crises or political situations. They provide a foundation for understanding why EU integration is or is not stalling during the current crisis. In the extensive literature discussing the creation and expansion of the European Union, it is well documented and generally agreed upon that integration, in the form of constitutional debates, important national decisions, and crises such as that of the Euro in 2008, leads to the politicization of European issues. This politicization manifests itself as increased political and public debate, widespread media attention, and polarization of opinions. The main dispute between scholars is not the timing of integration or the fact of polarization as a consequence, but the preceding and succeeding components - the root causes of that integration and the results of the ensuing politicization. There are three main theories of European integration in play right now: intergovernmentalism, neo-functionalism, and post-functionalism. In this chapter I analyze these three theories and their capability, or lack thereof, to describe the trends taking place in the current refugee and migrant crisis.

Next, I discuss the current literature on politicization as a product of integration and consider how those scholars interpret the consequences and significance of increasing supranational debate. While they largely agree on their definition of politicization and its basic traits, different authors choose to stress different aspects of the process, such as the type of crisis that sparks polarization or the influence of identity. I incorporate this field of research because I found that it served as an important piece in connecting the integration literature to my original findings.

During my research, I began to notice that my question could be answered, at least in part, by considering the power struggles and identity ambiguities within the Union. With this in mind, I also include an analysis of several theories on power and identity, both in general terms and in research more specific to the EU. Combined with my original research, these sets of literature allow me to answer my question in Chapter 4.

*Integration theory → Politicization theory → Argument*



*Power and Identity Theories*

## **II. Theories of European Integration**

### *Intergovernmentalism*

Liberal intergovernmentalism, as developed by Andrew Moravcsik, states that all acts of integration are conscious decisions by the member states for individual gains. These benefits are the product of collective action, which individual nations have determined to be the most

efficient method of achieving their desired outcome.<sup>57</sup> Each step towards deeper European integration is due to an important, multi-party agreement, typically driven by the major powers.<sup>58</sup> This theory has frequently been used to describe the increasing integration of the EU, beginning with the European Coal and Steel Community and following the positive trend of deepening and widening integration.

Further adapting Moravcsik's theory, Bickerton, Hodson, and Puetter created new intergovernmentalism, which agrees that member states are the driving force of integration, but asserts that perhaps the original theory is not completely applicable as times have changed and the actors no longer desire the same outcomes.<sup>59</sup> These scholars emphasize the "deliberation and consensus" component of the decision-making process to underscore their belief that integration since the Maastricht Treaty in 1992 has been a series of intergovernmental measures rather than transfer of power to the supranational level.<sup>60</sup> To Bickerton et al., there exists a great "integration paradox" in which the actors desire deeper integration but reject increasing supranationalism.<sup>61</sup> Specifically, they point out that in the Common Security and Defense Policy (CSDP) the traditional powers of integration, including the European Commission and the European Parliament, have little control and the Council of the EU, a largely intergovernmental body, makes the decisions. They emphasize that any kind of collective foreign or security policy will be ineffective without early widespread consensus among the member states, at least as that policy is initially developed. Bickerton et al. do maintain that while the Common Foreign and

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<sup>57</sup> Tanja A. Börzel and Thomas Risse. "From the Euro to the Schengen Crises: European Integration Theories, Politicization, and Identity Politics," *Journal of European Public Policy* 25, no. 1 (April 28, 2017): 83-108, <https://doi.org/10.1080/13501763.2017.1310281>.

<sup>58</sup> Andrew Moravcsik, *The Choice for Europe : Social Purpose and State Power from Messina to Maastricht* (Ithaca: Cornell University Press, 1998), 3.

<sup>59</sup> Bickerton, Hodson, and Puetter, "The New Intergovernmentalism," 3-5.

<sup>60</sup> Ibid., 29-30.

<sup>61</sup> Ibid., 4-5.

Security Policy and Common Security and Defense Policy were positive beginnings for the Union, more is needed to maintain a stable and powerful governing institution.<sup>62</sup> While intergovernmentalism, in its many forms, does address earlier integration, it falls short of explaining the most recent migrant crisis, in which states have agreed that common refugee and asylum policies would benefit them, but then refuse to actually comply. If, as Moravcsik first stated and Bickerton et al. reiterated, the member states have always pursued integration for individual gain through deliberate collective action, there must be a difference between the current situation and those of the past, when intergovernmental decision-making was enough to hold the actors to their word.

### *Neo-functionalism*

On the opposing side of integration theory is neo-functionalism, which accentuates the integrative effects of “spillover” to account for positive integration.<sup>63</sup> First developed by Ernst B. Haas, this theory defines integration as a process in which diverse political actors alter their “loyalties, expectations, and political activities” to submit power to a new central body that holds a certain level of jurisdiction over the current nations. This integration leads to the formation of a new “political community,” which is created when citizens and groups demonstrate greater loyalty towards a central institution than towards any other political authority.<sup>64</sup> According to Haas’ theory, the nation states are in the process of creating a political community in the form of the European Union. He maintains that the demands of the elites (governmental and political

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<sup>62</sup> Ibid., 9-10.

<sup>63</sup> Julian Bergmann and Arne Niemann, "Theories of European Integration," in *The SAGE Handbook of European Foreign Policy: Two Volume Set*, ed. Knud Erik Jørgensen, Kalland Aarstad, Edith Drieskens, Katie Laatikainen, and Ben Tonra (London: SAGE Publications Ltd, 2015), 166-81, <https://doi.org/10.4135/9781473915190.n11>.

<sup>64</sup> Ernst B. Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (Stanford: Stanford University Press, 1968), 16.

groups who have the power to make decisions) drive integration or the lack thereof.<sup>65</sup> The needs and wants of one group of elites, argues Haas, have to meet those of other elites within and outside of their nation in order to make decisions that lead to integration. Integration will not successfully result in the formation of a new political community unless six criteria are met: political groups (interest groups and parties) support supranational rather than national action, political groups organize at the supranational level to make decisions, political groups develop a new supranational nationalism, political groups and governments accept supranational rules and regulations as legitimate even when they oppose them, and governments “negotiate in good faith” rather than threatening rash action or veto when their country/countries are in the minority.<sup>66</sup>

Haas breaks elite opinions of European integration into four groups: short-run positive, long-run positive, short-run negative, and long-run negative. Elites who are short-run positive or negative either support or reject integration measures based upon single issues, such as the benefits for a particular industry. Elites who are long-run positive or negative either favor or oppose integration based upon more deeply rooted economic and political ideologies that inform their opinions concerning the consequences of integration.<sup>67</sup> For the long-run positive group, the author’s concept of “spillover” is most applicable, because these elites believe in a more permanent benefit created by the presence and increase of integration. Despite this, Haas claims that short-run expectations are most conducive to deeper integration because they are based on single issues rather than firmly rooted ideologies and the holder of those said expectations may

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<sup>65</sup> Ibid., 285-287.

<sup>66</sup> Ibid., 9-10.

<sup>67</sup> Ibid., 287-289.

in fact switch from anti- to pro-integration quite easily.<sup>68</sup> According to Bergmann and Niemann's analysis of neo-functionalism, political elites use supranational bodies to avoid domestic politics by shifting issues from the national sphere into political arenas to which the masses pay less attention.<sup>69</sup> Neo-functionalism does account for the Euro crisis and nearly every other major event in the European Union's brief history, but it does not really address the serious refugee and migrant crisis the EU now faces because it only answers the question of why the Union might continue to integrate, not why it would resist such movement.<sup>70</sup> The member states have seen fit to adopt supranational solutions in the past; according to neo-functionalism, the current crisis would be an appropriate moment to combine forces for a more effective and efficient answer.

#### *Post-functionalism*

Hooghe and Marks' theory of post-functionalism is the most recent of the three and attempts to fill the gaps left by both intergovernmentalism and neo-functionalism. The authors incorporate politicization directly into their argument, claiming that it slows integration by driving up the political and public debate, thus making decisions more difficult and sucking power from the elites.<sup>71</sup> Their theory makes an effort to understand the negative effects of the migrant crisis but in doing so ignores the results of the Union's past crises. Hooghe and Marks use the term "permissive consensus" and coin its successor, the "constraining dissensus" to describe the shift in public attitude that once allowed elites to push further integration and now

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<sup>68</sup> Ibid., 289-290.

<sup>69</sup> Bergmann and Niemann, "Theories of European Integration."

<sup>70</sup> Börzel and Risse, "From the Euro to the Schengen Crises."

<sup>71</sup> Liesbet Hooghe and Gary Marks, "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus," *British Journal of Political Science* 39, no. 1 (January 2009): 1-23, <http://dx.doi.org.libproxy.lib.unc.edu/10.1017/S0007123408000409>.

finds them restricted by politics and public debate.<sup>72</sup> The authors explain that politicizing integration in the early years of the EU would have been unwise, because it could only lead to party splitting during a time when it was not very important to the public. In today's Europe however, integration is a very important issue and therefore attracts attention from parties on all sides, as they perceive that taking a certain stance on integration will gain them favor among the masses.<sup>73</sup> Not entirely dissimilar from neo-functionalism's "spillover" theory, post-functionalism maintains that integration occurs when the current institution or government cannot efficiently address all needs. A key difference lies in the emphasis on identity. Hooghe and Marks argue that through the integration of the European Union, domestic and European politics have become intertwined, leading to an increase in the importance of national identities.<sup>74</sup> These scholars point to this cultural component in partnership with politicized integration as the root of recent conflicts. In particular, they state that countries with stronger populist and socially conservative parties experience greater politicization because those parties use identity politics to motivate the masses against integration measures.<sup>75</sup> Post-functionalism explains the current pushback against supranational, or even intergovernmental, action to address the migrant crisis by its emphasis on politicization of supranational issues slowing integration. Despite this insight, it does not help us to understand why other situations have not had the same result and does not fully account for the literal noncompliance demonstrated by governments across multiple different member nations.

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<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.



### III. Politicization

In order to further explore the results of post-functionalist theory, I include a review of current research on politicization. This set of ideas goes beyond causes of integration and focuses on the increased debate and political activity that often accompanies this process. While the concept of politicization does not address all of the actions taken by EU members over the past two years, it does take us one step closer to understanding the tense political and social environment manifested during the refugee and migrant crisis.

The field of research concerning politicization is relatively like-minded and differs only in the particulars of what each scholar chooses to emphasize and how much significance he or she pays to identity as a crucial factor. Hutter and Grande define politicization as an “expansion of the scope of conflict within the political system,” which they attribute to three main factors: issue salience, expansion of actors, and polarization of opinions.<sup>76</sup> Therefore, when a certain issue becomes more important to the public and is widely distributed through media and political parties, and there is difficulty in reaching a consensus, it will become politicized. Similarly, De Wilde and Zürn describe politicization as an increase in awareness of an issue, mobilization of political groups, and polarization of opinions caused by increasing integration and spurred on by parties, media, national issues, and events related to the integration process.<sup>77</sup>

Several of these authors attribute politicization to the manifestation of specific crises or critical events throughout history. Hutter and Grande write that these include major steps in integration, important national decisions, and constitutional debates. Specifically, they cite the

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<sup>76</sup> Swen Hutter and Edgar Grande, “Politicizing Europe in the National Electoral Arena: A Comparative Analysis of Five West European Countries, 1970-2010,” *Journal of Common Market Studies* 52, no. 5 (September 2014): 1002-18, <https://doi.org/10.1111/jcms.12133>.

<sup>77</sup> Pieter De Wilde and Michael Zürn, “Can the Politicization of European Integration Be Reversed?” *Journal of Common Market Studies* 50, no. S1 (March 2012): 137-53, <https://doi.org/10.1111/j.1468-5965.2011.02232.x>.

British accession in the 1970s, the Turkish debate during the 2000s, the ratification of the Treaty of Lisbon in 2007, and the “Swiss debate”.<sup>78</sup> De Wilde and Zürn likewise assert that integration is not a linear process and is influenced by specific events or crises.<sup>79</sup> They state that increased supranational authority and integration causes politicization, and since that authority is most obvious during times of constitutional change and international crisis, it is in these cases that debate increases most. They make the point that a crisis implies the failure of the status quo, which is, in this case, the EU functioning as a singular body rather than each of the member states acting of its own accord. National governments blame the EU for failures even when they previously agreed to the policies, the supranational level of government becomes the one that is responsible for the problem, and the debate soon surrounds that sector.<sup>80</sup> Hanspeter Kriesi, who focuses on issues such as the Euro crisis, the refugee crisis, (Islamic) terrorism, Brexit, and the “imperial aspirations of Putin” to define his “crises,” agrees that integration and the ensuing politicization is the work of many moments rather than a general linear trend and emphasizes, through his choice of events, that cultural issues are firmly tied to increasing political debate.<sup>81</sup>

Kriesi is one of many scholars who point to identity as a critical component in the processes of integration and politicization. He argues for the theory of “defensive nationalism,” in which elites construct a nationalist rhetoric to fight the growing encroachment upon their domestic power. He is adamant that these cultural, identity-driven components are critical in describing the conflict in the European Union, especially in Central and Eastern Europe.<sup>82</sup>

Hutter and Grande argue that identity issues invoke the greatest debate and attention, providing

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Hanspeter Kriesi, “The Politicization of European Integration,” *Journal of Common Market Studies* 54, Annual Review (September 2016): 32-47, <https://doi.org/10.1111/jcms.12406>.

<sup>82</sup> Ibid.

the example of France and Austria, which experienced much more intense polarization during Turkey's accession talks than during the vote for the Treaty of Lisbon.<sup>83</sup> De Wilde and Zürn discuss the importance of what they call the "national narrative," the influence of domestic concerns and circumstances upon the public's opinions on Europe. For example, Spain is more supportive of the EU than the UK because it relies upon the functioning of the Union for economic support.<sup>84</sup> Lastly, Börzel and Risse make an argument for the difference in politicization between the Euro crisis of 2008 and the current refugee and migrant crisis. They claim that the politicization of the Euro crisis was about identity as a Union, whereas the migrant crisis concerns identity in relation to those outside of Europe.<sup>85</sup> Economic issues can be answered with politics and debating fiscal ideologies, but regulating who may come in and who must stay out, where they can go, and how they will or will not receive support is a trickier question that forces Europeans to ponder how they define their own identity. Combining this theory with the other theories of politicization, one might argue that there is not enough consensus among elites with varying "national narratives" to form a definite European identity at this point in time. When faced with a "crisis" situation and without cohesive opinions and goals, elites and the public will engage in increased debate that will not let up until the issue becomes less salient or the varying sides become less polarized.

#### **IV. Power and Identity**

Though the aforementioned theories of integration and politicization lead us right up to the current crisis, they do not adequately explain the unique reaction of the member states and the ensuing noncompliance. After significant research, I found that several authors' ideas about

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<sup>83</sup> Hutter and Grande, "Politicizing Europe in the National Electoral Arena."

<sup>84</sup> De Wilde and Zürn, "Can the Politicization of European Integration Be Reversed?"

<sup>85</sup> Börzel and Risse, "From the Euro to the Schengen Crises."

power and identity served to bridge the gap between integration and politicization theories and the migrant crisis. I ultimately used many of these concepts to support my argument, the results of which can be found in Chapter 4.

### *Power*

Several authors discuss integration in terms of the transfer of power from nation-state to supranational entity. Some of these scholars focus on the public's response to this transition, while others emphasize the pushback from elites operating at the national level. Edward Best explains that European integration was stalled during the Constitutional crisis in 2005 (when the proposed treaty was somewhat surprisingly shot down by a pair of national referendums) because people were afraid of the significance of having a "constitution," feeling that this represented a growth in EU power that they did not need at that time.<sup>86</sup> He points to the pressing economic concerns and the anxiety about a potential Turkish accession as evidence that the public was more worried about rising supranational power (as well as the affirmation it would provide for the national governments, who were generally in the public's poor graces) than they were about the actual contents of the Constitution.

Also considering the failed EU Constitution effort, J. Andrés Faíña uses game theory to explain incentives for and actions in pursuit of integration, which he equates to a surrendering of state-level power. According to Faíña, supranational integration occurs when there is demand, which is based on perceived costs and benefits.<sup>87</sup> While the EU is deemed the actor most fit to solve a problem, integration is considered worthwhile. When there is no need to consolidate

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<sup>86</sup> Edward Best, "After the French and Dutch Referendums: What Is to Be Done?" *Intereconomics: Review of European Economic Policy* 40, no. 4 (July/August 2005): 182.

<sup>87</sup> J. Andrés Faíña, "Counterpoint vs. Disharmony in the Constitutional Treaty: A European Paradox," *Intereconomics: Review of European Economic Policy* 40, no. 4 (July/August 2005): 190-95.

power at the supranational level, the costs of relinquishing that power are too high and integration stalls. Faíña points out that the economy was not thriving during the early 2000s and, placing some of the blame for this upon the Union, the public decided that further integration was not appropriate.<sup>88</sup>

Because of the positive association with free movement of people and goods, the common market has always been the “driving force of European integration” and without an economic incentive to consolidate at the supranational level, the only way to move forward with that process is to argue that the current system is broken.<sup>89</sup> Without demand to fix a problem, the member states will not create credible commitments – mechanisms that will tie their hands so they must remain compliant after they agree to cooperate with others – and there will be nothing enforcing their solidarity on a new policy or regulation.<sup>90</sup> In essence, states must agree to give up power in order to achieve something at the supranational level and they will only do so if they feel that it is ultimately in their best interest.

### *Identity*

Like Kriesi, Mummendey and Walzduz focus on identity in relation with political conflict. The authors describe the dangers of citizens holding dual identities (such as national and EU identities), stating that while it is often positive for people to possess both identities, it can lead to in-group and prototype biases. With in-group bias, the merging of several groups creates a larger chance for discrimination against “outsiders” because Germans expanding their understanding of “European” to include Poles will make those who are unlike Germans and Poles appear even more foreign and dissimilar. Likewise, the theory of prototype bias states that

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<sup>88</sup> Ibid., 194.

<sup>89</sup> Ibid., 192.

<sup>90</sup> Ibid., 191-95.

having a vague definition of “European” provides each individual group the chance to adopt the term to their own identities, creating a version of “European” based entirely on their culture and values. In this scenario, each member state will consider other member states, candidate countries, and migrant countries of origin as less European than themselves, the prototype.<sup>91</sup> The solution to these problems, as proposed by Mummendey and Walzdus, is to create the supranational level “prototype” in a clear, but complex fashion so that no one can attribute their own nationality to it. This would certainly appear to be a beneficial response, but the practicality of such an effort is questionable, especially in a polity such as the EU composed of so many different nationalities that within themselves also experience shifting identities.

Several other authors explore the benefits of identity when it is strong and the consequences when weak. Explaining that people can handle multiple identities, Emanuele Castano proves that as the European public grows increasingly connected with the EU, they also experience stronger national identities.<sup>92</sup> Addressing the idea of common identity in its most general sense, Castano cites Donald Campbell, who utilizes the term “entitativity” to define a clear, cohesive unit. In order to attain entitativity, the polity, group, or organization must have well-defined boundaries (boundedness), relative geographical contiguity (proximity), clear goals and a common purpose (common fate), and a certain number of shared characteristics among its

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<sup>91</sup> Amelie Mummendey and Sven Walzdus, “National Differences and European Plurality: Discrimination or Tolerance between European Countries,” in *Transnational Identities: Becoming European in the EU*, ed. Marilyn Brewer, Richard K. Herrmann, and Thomas Risse (Lanham, MD: Rowman & Littlefield, 2004), 60-70.

<sup>92</sup> Emanuele Castano, “European Identity: A Social-Psychological Perspective,” in *Transnational Identities: Becoming European in the EU*, ed. Marilyn Brewer, Richard K. Herrmann, and Thomas Risse (Lanham, MD: Rowman & Littlefield, 2004), 50-53.

members (similarity).<sup>93</sup> Increasing any of these factors increases the sense of entitativity, which is not synonymous with homogeneity, but rather “well-integrated.”

Unlike humans, institutions and governments do not thrive with multiple identities because their functions, methods, and goals tend to become confused and thus less effective. Brewer and Herrmann reference the concept of “zero-sum identity,” which implies that institutions only have so much “identity” to go around and as they move from national to supranational (as in the case of the EU) they will inherently lose some of that national identity.<sup>94</sup> An institution like the EU attempts to create an “overarching common identity” while also preserving existing national identities, which can leave it in a situation of ambiguity when it comes to developing policies in newer or less well-defined fields.<sup>95</sup>

Brewer and Herrmann also address the relationship between such political bodies and the public sense of identification with them. They write that the states create these institutions and then feel the effects of those institutions, the public, and the environment in which they function, molding their interests and practices to fit the situation.<sup>96</sup> According to the socialization model of identity, people are likewise affected by government organizations and begin to identify with institutions when those institutions become salient in their lives.<sup>97</sup> Brewer and Herrmann explain that: “Common identity and the idea of community are seen as providing diffuse support... even when [the] institutions are not able to provide immediate utilitarian payoffs.”<sup>98</sup> In order to avoid a scenario when the polity has neither concrete success nor public support to back it, the

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<sup>93</sup> Ibid., 44-50.

<sup>94</sup> Marilynn Brewer and Richard K. Herrmann, "Identities and Institutions: Becoming European in the EU," in *Transnational Identities: Becoming European in the EU*, ed. Marilynn Brewer, Richard K. Herrmann, and Thomas Risse (Lanham, MD: Rowman & Littlefield, 2004), 12-13.

<sup>95</sup> Ibid., 11-12.

<sup>96</sup> Ibid., 13.

<sup>97</sup> Ibid., 14-15.

<sup>98</sup> Ibid., 3.

common identity created to sustain a supranational institution's legitimacy must be clear, yet sufficiently broad.

Comparing both components of Brewer and Herrmann's research, we find that, although not exactly alike, the importance of public identification with political institutions is not entirely different from the role of common public identity. While a rise in national identification is typically accompanied by a rise in supranational identification, this shift does not necessarily mean that people are less hostile to the new group of "outsiders." It can fall to the institutions to help define the shared identity, just as the needs and expectations of the masses shape their perception of the institutions themselves. If those within the institution do not cultivate this common identification, and fail to define their organization within concrete and feasible boundaries, the polity will be at the risk of failing.

## **V. Conclusion**

These ideas about identity and power (in particular the necessity of a concrete sense of purpose within an institution, and the inevitability of a power struggle when nations no longer feel the benefit of submission to the supranational polity) are a critical stepping-stone between the first two sets of literature and my own final argument. The theories of politicization build right off of the three aforementioned theories of European integration. Extensive research supports politicization as a product of integration and there are existing explanations for the political, institutional, and public responses to the various crises experienced throughout the EU's history, but there remains to be found a theory that can be applied to every scenario. As they are, most explain the Constitutional referendum and Euro crises, but not the current refugee situation. Hooghe and Marks' post-functionalism addresses the refugee and migrant crisis, but falls short of accommodating for the integration following the Euro crisis. What all of these



integration and politicization scholars do agree on is the increased debate that inherently follows integration and major events. However, no one has been able to rationalize the noncompliant behavior of the member states during the current migration crisis. In the past, there has been debate but no noncompliant action. Even if the situation has become politicized, the individual nations did not fail to agree upon an initial solution; it is compliance with that policy that has been the real issue. My research attempts to expound upon this gap in the existing literature, and address the refugee and migrant crisis as it relates to those of the past. I do this by asking what is particular about the refugee crisis that has caused the member states to react with such noncompliance and what this departure from EU doctrine says about the flaws in its system of powers as it addresses security and foreign policy. Ultimately, the literature on power and identity will prove very useful in answering that question.

### **Chapter 3: Methodology**

To answer my research question, I wanted to utilize a variety of sources to build an argument based upon an understanding of the refugee crisis narrative from multiple perspectives. Among other components, these included the “official” narrative (legal texts and published documents), the public narrative (the view of the masses), and the political narrative (the debate between different groups of elites in power). Another factor in constructing a complete argument was balancing my findings with prior analysis of the EU’s past crises. Throughout my research, I relied upon a combination of primary, secondary, and tertiary sources of different types in order to have an appropriate variance in data. I combined my own historical and archival analysis with analysis of relevant literature pertaining to the issues of power, identity, and asylum processes in the EU.

#### **I. Official narrative: Legal texts and documents**

In order to construct a proper foundation of understanding of the refugee crisis and the European Union’s handling of it, I first read the EU treaties and the regulations relating to asylum and migration. These included the Treaty on European Union and the Treaty on the Functioning of the European Union, as well as the Common European Asylum System, including the Dublin III Regulation. In addition to these documents, I studied the European Commission’s evaluation of Dublin III and its proposal for Dublin IV. I conducted an archival analysis of the crisis through the perusal of media accounts and academic analysis of the current situation, which I supplemented with plain statistics that I drew from the European Commission’s Eurostat report on the crisis. The combination of these “official” sources with a purely factual and statistical account of the issue was used to highlight the gaps between that which was expected under EU legal code and that which actually occurred, and to build a base

for continued research.

## **II. Public narrative: Eurobarometer**

Taking my research from a broader historical and factual context to a more personal, public one, I examined several decades of Eurobarometer public opinion polls. These polls are conducted by the European Commission on a biannual basis and address the most important issues facing the EU and the world at the time of the interviews, as well as assessing general attitudes about European society, government, the economy, and more. Though the wording used in the final reports is often more EU-positive than is necessarily warranted, the statistics provide accurate data and the compilers are always sure to note any changes in or additions to questions throughout the years. I read polls between the years 1991-2001, 2004-2006, and 2009-2017, these dates being selected to offer insight into the general atmosphere during each of the crises. For practical reasons, most years I chose to study only one of the published reports, though during what I perceived to be the high points of crisis I included both reports in my research. I use the information collected from this part of my research to construct a better understanding of the public opinion and atmosphere during the time periods referenced, and to analyze how opinions on integration and foreign, defense, security, and migration policy have evolved.

## **III. Political narrative: Statements and speeches**

My next category of research involved the analysis of published statements and speeches by MEPs, heads of state, and other European or national officials addressing the current refugee crisis. This is intended to provide a political layer of analysis in which I study the positions expressed and language used to support or reject the EU stance on the issue. I accessed these sources via newspaper articles, public records on various national government webpages, and statements posted on the European Parliament website. I had hoped to also use EP debates in my

analysis, but found that they were not translated into a single language, and were therefore not a feasible source given my time and language restraints.

#### **IV. Contextualizing: Three past crises**

Finally, I carried out further historical analysis of the three crises I use as contrast and context for my study of the refugee and migrant crisis, namely the Yugoslavian refugee crisis, the Constitutional crisis of 2005, and the Euro (or economic) crisis. I analyzed academic literature and media accounts of each of these events and time periods to search for similarities and differences in situation, attempted solutions, and outcomes. This helped me determine both the patterns in institutional failure and the differences that have made the migration crisis uniquely difficult to solve. These three crises are not meant to be complete comparative case studies, but rather to serve as background with which to better understand and analyze the contemporary migrant crisis and its particularities. Below, I include a brief description of each of the three crises to give the reader a background for understanding both my process and my argument, though further necessary information will be provided in Chapter 4.

##### *Yugoslavian refugee and migrant crisis*

When the Yugoslavian Wars broke out in 1991, it was not long before Slovenian and Croatian declarations of independence triggered a series of wars and conflicts throughout the entire region. What began as a conflict involving mostly internally displaced ethnic groups eventually resulted in an exodus to other parts of Europe, with over two million refugees from Croatia, Bosnia and Herzegovina, and Kosovo fleeing across the continent.<sup>99</sup> Though a vast number of these refugees ended up in other former Yugoslavian territories, the then-European

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<sup>99</sup> “European Divisions Persist Over Yugoslavia’s Refugees Germans Criticize Other Europeans for Not Taking in More Displaced by War,” *The Christian Science Monitor*, July 31, 1992, <http://search.proquest.com/docview/291208163/abstract/8771EF2BF7424513PQ/1>.

Community still received many migrants. At that time, most states adopted Temporary Protection legislation (as described in Chapter 1 and again in Chapter 4) and did not cooperate as a larger unit.<sup>100</sup> The most challenging years of this crisis came in the latter part of the decade and into the early 2000s.

I chose to include this crisis in my analysis because it is the most similar in nature to the current crisis, also concerning refugees and migrants, but also represents a few intriguing differences that demonstrate some of the issues particular to today's crisis. The similarities and differences will be further discussed in the following chapter.

### *Constitutional crisis*

In 2004, the EU drafted and signed the Treaty Establishing a Constitution for Europe (TCE), otherwise called the European Constitution. It was seen as a significant step towards clarifying the gradual institutionalization that had occurred in a somewhat haphazard fashion over the last several decades, though it did not enact any groundbreaking changes in supranational or state powers. The aim was to combine the existing treaties into a single constitution and make the Union appear a bit more cohesive, including articles about the anthem, the flag, and other “state-like” features. In two shocking 2005 referendums, France and the Netherlands rejected the TCE and ultimately the EU had to settle for the 2007 Treaty of Lisbon, which passed nearly all of the same measures under a less auspicious title.<sup>101</sup>

While this “crisis” might not be considered one in the traditional sense of the word, I address it in this thesis because it provides another example of a point in history when the EU

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<sup>100</sup> Jean-François Durieux, “Temporary Protection: Hovering at the Edges of Refugee Law,” *Netherlands Yearbook of International Law* 45 (December 2014): 221-53, [http://dx.doi.org/10.1007/978-94-6265-060-2\\_9](http://dx.doi.org/10.1007/978-94-6265-060-2_9).

<sup>101</sup> Rudolf Streinz, “The European Constitution after the Failure of the Constitutional Treaty,” *Zeitschrift für öffentliches Recht* 63, no. 2 (June 1, 2008): 159-87, <https://www.doi.org/10.1007/s00708-008-0208-7>.

was forced to question itself, its limitations, and its future. Not only did the Constitutional crisis stall integration, but it also brought up questions of racial, ethnic, and religious biases among voters as they considered the potential accession of Turkey.<sup>102</sup> It is for these reasons – the fear of integration and the fear of the “outsider” – that I utilize the 2005 “crisis” in my argument.

### *European debt crisis*

The Euro crisis, which began in 2008 with the global economic crash but hit its worst points through late 2009 to 2012, is perhaps the most well known of the three events because it is most recent and because it affected people all over the world. The Euro was introduced as a supranational unit but treated as if it were national currency, with different member states adopting different policies, banking systems, and regulations. This created a system that, when combined with the relative imbalance of the economies within the Union, resulted in financial and economic disaster throughout the continent after the crash.<sup>103</sup> The EU passed several fiscal and economic reforms to increase regulation and provided bailouts to Ireland, Greece, Portugal, and Spain (in addition, Cyprus also received a bailout but several years later).<sup>104</sup> Major efforts included the European Financial Stability Facility, the European Stability Mechanism, and a new Fiscal Compact Treaty, all reforms that worked to balance the European economy and provide safety regulations to prevent future crises.<sup>105</sup> Ultimately, the continent began to pull out of the crisis and the economy is now relatively stable in the majority of the member states.

I utilize the Euro crisis as one of my three crises because it was arguably the largest crisis

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<sup>102</sup> Best, “After the French and Dutch Referendums,” 180-85.

<sup>103</sup> Jenny Preunkert, “Trust and Currency: The Functional Preconditions and Problems of the Euro,” in *The European Union beyond the Crisis: evolving governance, contested policies, and disenchanted publics*, ed. Boyka M. Stefanova (Lanham, Maryland: Lexington Books, 2015), 45-56.

<sup>104</sup> Philip R. Lane, “The European Sovereign Debt Crisis,” *The Journal of Economic Perspectives* 26, no. 3 (2012): 49-67, <http://www.jstor.org/stable/41581131>.

<sup>105</sup> Ibid.

in the EU's history and because it presents an important contrast with the current refugee and migrant crisis. Many of the problems that occurred were due to a combination of fiscal risks taken by member states and flawed institutional design by the Union, resulting in increased politicization as different groups pointed fingers at each other.<sup>106</sup> Despite this, when asked about the Euro crisis in the years 2009-2014, the public consistently considered the EU to be the actor best suited to respond to the crisis and the situation was used to pass far-reaching reforms and further integrate the Union.<sup>107</sup> This is a significant difference from the migrant crisis, though it should also be noted that the public was not as politically mobilized during the Euro crisis, in part because many people did not understand the economic complexities of the situation. The masses' reliance upon and trust in institutions to address problems and create reforms will be explored more deeply in the following chapter.

These four groups of sources were the foundations upon which I have built my argument. These, coupled with my review of broader theoretical literature and analysis, offer a variance of data and perspectives that serve to diversify my research and, ultimately, support my final claim.

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<sup>106</sup> Ibid.

<sup>107</sup> European Commission, "Eurobarometer 71: Public Opinion in the European Union," September 2009 (all Eurobarometer reports hereinafter "Eurobarometer" with corresponding number); "Eurobarometer 73.2," May 2010; "Eurobarometer 75: The Crisis," May 2011; "Eurobarometer 77: The Crisis," May 2012; "Eurobarometer 79: The Crisis," May 2013; "Eurobarometer 81: The Crisis," June 2014.

## **Chapter 4: Analysis**

The migrant crisis has been a unique event in the European Union. The Constitutional crisis was largely the result of public discomfort with government power and was resolved in the aftermath by pragmatic legislation. During the Euro debt crisis, the EU acted as a united front to address the situation. The Yugoslavian migrant crisis occurred in the early days of the EC to EU transition and the states preferred to work individually to resolve their migration issues. Today, the EU has had plenty of time to develop effective solidarity mechanisms, yet individual nations have chosen to break the quota agreement and Schengen Zone policy rather than band together and commit to an appropriate solution. This non-cooperation is not only unique, but has prompted a questioning of the true extent of EU power.

To begin my research, I asked: what is particular about the migrant crisis that has caused member state noncompliance and EU failure to present a solution? And secondly, what does this failure say about the deeper structural and institutional flaws within the Union? Ultimately, I found that this scenario was the consequence of three main factors. These points build off of each other in consecutive order to form my complete argument. The first flaw in the European Union's asylum and immigration system is its lack of preexisting mechanisms constructed to address potential imbalances or extreme pressures, as well as a failure to compensate with adequate measures in an appropriate time frame. My second point states that this void (and the inability to fill it) is due to a deficiency of institutional and practical attention given to relevant policy areas such as foreign affairs, security and defense, and asylum and immigration. Lastly, I conclude that vaguely defined power structure and weak institutional identity in those fields has been both a cause and an effect of such a failure of attention in the stated areas. Though the second and third points form a somewhat circular argument (to a certain extent, they are each



both a cause and an effect of the other), I choose to address the lack of focus on the relevant fields before tackling the issues of power and identity because I argue that this final step is ultimately the root cause of the EU's structural shortcomings and failure to address the crisis. I will address each factor separately in the following chapter.

## **I. Failure to provide adequate mechanisms before and during the crisis**

The simplest explanation for the EU's inability to handle the crisis is that it has been unable to develop institutional mechanisms and regulations with sufficient power and minimal red tape and political conflict. The immigration and asylum legal frameworks in place prior to the crisis were neither adequately widespread nor extensive enough in scope to address the unique problems presented by the high numbers of refugees and migrants arriving from Africa and the Middle East. Varied attempts at reforming the regulations have been only partially successful, due in part to the conflict between legal obligations to "solidarity" and states' responsibility to protect their national security interests above all else, and in part to the diverse and divisive political opinions on the matter, which have made finding common ground much more difficult. In this section I outline in more detail the EU's struggles to establish a migration mechanism, prior to and during the current crisis.

### *Flaws and failures of Temporary Protection and the Common European Asylum System*

While it can be said that the EU did have mechanisms in place prior to the start of the migrant crisis in 2013 (or even the start of the worst peak in 2015), those mechanisms were not enough to handle the enormous numbers entering the Union. After the Yugoslavian migrant crisis in the 1990s and early 2000s, the EU had reworked and reformed its Temporary Protection (TP) system, providing itself with a slightly more efficient, but nevertheless unusable, regulation that has not been utilized since. During that crisis, the numbers were smaller, the people arrived

by land, and they were ethnically and culturally much more similar to the “typical” European. Furthermore, their arrival could be perceived as a more logical result of the geographical and geopolitical situation of the time. Although the Western Europeans were still nervous about the massive number of arrivals and not very welcoming to the former Yugoslavians who they considered to be quite different from them, they ultimately learned to adjust to the presence of new populations. They were Eastern Europeans, the “champions of freedom,” moving into Western Europe and people were convinced that the numbers would remain low and their stay would be “temporary.”<sup>108</sup> Temporary Protection was created to provide a short-term solution before “reverse cleansing” and sending them back home.<sup>109</sup> Regardless of whether they went home or not (and many did not), the idea that the conflict had a limited length made “temporary” solutions more acceptable. When the obvious moral and humanitarian issues associated with TP (suspension of rights and general treatment of many of the migrants) made reform necessary, the EU raised the standards and reworked the system, but the final product still required too much intergovernmental debate to be truly efficient and it was never used again.<sup>110</sup> At the core of this history is the fact that the European Union wasted its time recreating a mechanism that did not really work and was never to be utilized in the future. Elites involved in this process knew the dangers of TP and revised it anyway, further limiting its capabilities by developing a system based upon low arrival numbers rather than one fit for addressing a massive migrant crisis like the one facing the continent today.<sup>111</sup> Instead of creating a new system that would have a better chance at success in the future, the EU simply made some changes to an old method and put aside the real reforms for a later date.

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<sup>108</sup> Durieux, “Temporary Protection.”

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

A few years later, the development of the Common European Asylum System (CEAS) encountered similar issues. Like TP, it was created using estimates from relatively low levels of applicants, as there were in the mid- to late-2000s.<sup>112</sup> One major flaw, highlighted by a 2008 European Commission report on asylum policy, was the ability for member states to adopt rather diverse policies on the acceptance and rejection of applicants (even when those applicants had cases of identical nature and origin). This created a trend of secondary movements throughout the continent, and perhaps more important, conflicted with “the principle of providing equal access to protection across the EU.”<sup>113</sup>

Part of the reason for these shortcomings is that the history of the CEAS is one of an “array of non-binding immigration and asylum conclusions, recommendations, and the like.”<sup>114</sup> Even when immigration and asylum officially became EU level issues with the Amsterdam Treaty, the actual content of the regulations hardly changed.<sup>115</sup> Furthermore, with the addition of this policy area to treaty law, the treaties became even more conflicted in their purpose. Article 4.2 of the Treaty on European Union states that “in particular, national security remains the sole responsibility of each member state,”<sup>116</sup> leaving it to be argued that member states are doing what is necessary for their individual protection. On the contrary, a later clause in Article 4 says that nations cannot “jeopardise the attainment of the Union’s objectives,”<sup>117</sup> which they would do by building walls and shaking the foundations of the Schengen Area. It is difficult to reconcile

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<sup>112</sup> “Policy Plan on Asylum: An Integrated Approach to Protection Across the EU,” Commission of the European Communities, 2008, 3.

<sup>113</sup> *Ibid.*, 3.

<sup>114</sup> Cathryn Costello, “The Asylum Procedures Directive and the Proliferation of Safe Country Practices: Deterrence, Deflection and the Dismantling of International Protection,” *European Journal of Migration and Law* 7 (2005): 37.

<sup>115</sup> *Ibid.*, 37.

<sup>116</sup> Consolidated Version of the Treaty on European Union, art. 4.2, 2016 O.J. C 202 (hereafter TEU post-Lisbon).

<sup>117</sup> *Ibid.*, art. 4.3.

these two ideas when they are placed in such a conflicting situation. After several attempts at reform of CEAS, states can still go back to Article 4.2 and argue that they are doing what is right to protect their own people.

### *Attempts at reform*

One of those reforms, present in the most recent iteration of the Dublin regulation, was the establishment of “a process for early warning,” to prevent “deficiencies in, or the collapse of, asylum systems... which could lead to a risk of a violation of the rights of applicants.”<sup>118</sup> Article 33 of the regulation explicitly calls for a “toolbox” with which to prepare and manage crises such as the one the EU is now experiencing. Under this article, member states are required to inform both the Commission and the Council of functional issues in order to address these “deficiencies” before they become serious.<sup>119</sup> According to the legislation, this is expected to occur when “pressures” on the state or the system become too great and the writers even include a clause providing the Commission with the ability to request a “crisis management action plan” in the case that the states do not act soon enough.<sup>120</sup> European Commission evaluations of the Dublin III Regulation show that despite this attempt at building a safety net for the CEAS, the Early Warning Mechanism (EWM) has never actually been used, partly because it is unclear how to measure “pressure” and partly because it seems that calling out another state’s failures or difficulties would be an unwise political move.<sup>121</sup> Though the current imbalance and consequent

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<sup>118</sup> European Parliament and Council Regulation 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 2013, O.J. L 180/31, art. 21-22 (hereinafter Dublin III Regulation).

<sup>119</sup> Ibid., art. 33.

<sup>120</sup> Ibid., art. 33.3.

<sup>121</sup> “Evaluation of the Implementation of the Dublin III Regulation: Final Report,” DG Migration and Home Affairs, ICF International, March 18, 2016, 12, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of->

pressure on certain areas of Europe was foreseen even in 2008 reports published by the EU, there was no adequate effort to plan ahead for a crisis such as the current one.

According to the same European Commission evaluation conducted in 2016, the EASO, which was established to monitor stability and “ensure robust cooperation,”<sup>122</sup> had provided extra support to fill a portion of the need in Italy, Cyprus, Greece, and Bulgaria that would have otherwise been handled by the Early Warning Mechanism.<sup>123</sup> Though the report admits that the EWM would have been entirely justified, it claims that the support of the EASO was sufficient. The evaluation also compliments the reformed EURODAC system, which now accounts for “invisible migrants,” and reinforces the need to utilize EURODAC as much as possible. Despite this somewhat positive spin, it remains clear that reforms have not eliminated the diverse asylum structures and results that are making transfers and procedures more difficult and throwing into question the human rights records of various states. “Take back requests,” the commonly used term for a transfer to the state in which a migrant first arrived, often take up to six months and other transfer requests are not much faster. Costs are paid by the transferring state and some states have begun avoiding transfers to Greece, and even Italy, Bulgaria, and Hungary due to concerns about reception conditions and human rights. The time frame and the cost places a large burden on the transferring state, which is further complicated by the differing interpretations of terms such as “humanitarian needs” and evidence requirements.<sup>124</sup>

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applicants/docs/evaluation\_of\_the\_implementation\_of\_the\_dublin\_iii\_regulation\_-\_executive\_summary\_en.pdf.

<sup>122</sup> Dublin III Regulation, art. 22.

<sup>123</sup> “Evaluation of the Implementation of the Dublin III Regulation,” 12.

<sup>124</sup> Ibid., 1-12.

Figure 2. A summary of significant EU asylum rules and regulations

Title	Summary
Common European Asylum System (CEAS)	A set of asylum and migration regulations first established in 1999 to control the reception and distribution of migrants throughout the EU; includes the Dublin Regulation, the Asylum Procedures Directive, the Reception Conditions Directive, the Qualification Directive, and the EURODAC Regulation
Dublin III Regulation	The portion of the CEAS that determines which state must process individual asylum claims; includes a yet-unused “early warning mechanism” clause meant to avoid disproportionate pressures such as those experienced by Greece and Italy; has been criticized for its inability to breach communication and coordination difficulties between states
Dublin IV Regulation	A reform proposal that would update Dublin III by providing a “corrective allocation mechanism” to enforce use of the current “early warning mechanism”; it would also improve member state responsibility and quicken the transfer and reception process to limit bureaucratic complications and better support asylum seekers’ best interests
Emergency Relocation System	The act that established the quota system in 2015, redistributing thousands of refugees and migrants from Greece and Italy to other member states; was originally meant to last two years but has been extended indefinitely
EU-Turkey Statement	An agreement between the Union and Turkey signed in 2016 to limit the number of migrants leaving Turkey for Greece; Turkey receives financial support in exchange for restricting the number of people smuggled across the Mediterranean; has caused some controversy due to the questionable human rights consequences
Temporary Protection (TP)	A type of refugee and aslyee protection status granted to applicants for a limited amount of time, typically defined by the length of the conflict or natural disaster that has driven them from their homes; the EU reformed and adopted a common TP policy to be used in the case of future migrant crises, though it has yet to be employed during the current crisis

### *Contrast with the economic crisis*

It is clear that there were neither appropriate nor serviceable mechanisms in place before the crisis, and it is even more apparent that the EU still does not have a solution to its problem.

The economic crisis provides a good contrast with the migrant crisis because, though the monetary union and the euro itself were victims of a “flawed original design” that greatly contributed to the extent of the crisis, a variety of reforms in 2010 and 2012 were quickly utilized to address the situation.<sup>125</sup> These changes and policies, namely the ECB buyout of sovereign bonds, bailouts to Greece, Ireland, and Portugal, the Fiscal Compact Treaty, and the European

<sup>125</sup> Lane, “The European Sovereign Debt Crisis,” 65.

Stability Mechanism righted the EU's leaky ship and set it on a better course for the future.<sup>126</sup>

As the main impact of the crisis began in 2009, it took roughly a year before the first large-scale actions were taken, in contrast with the four-year-long migrant crisis, which has yet to see effective policy reform. In the case of the Euro crisis, the situation was seen by political actors as an opportunity to pass integrative reforms and improve the monetary union.<sup>127</sup> The migrant crisis has not been utilized to the same effect.

#### *Security-driven responses and non-EU solutions*

Part of the issue with the EU's response is that it has been increasingly determined by security concerns rather than liberty and protection for the refugees and migrants.<sup>128</sup> Instead of insuring safe, efficient, and healthy reception and resettlement, both the EU and the states have begun emphasizing border control, immigrant-imposed dangers, and security issues. In some cases this is less purposeful and antagonistic; in others it is clearly a strategy used by right-wing nationalist groups to cut down arrival numbers and incite anti-migrant sentiments. The Union has spent a lot of time and money trying to shift the problem from its territory to those abroad, namely Turkey and certain regions of Africa. The most well known of these policies is the EU-Turkey Statement, which has been somewhat successful in terms of lowering arrival numbers,<sup>129</sup> but often contested due to its questionable moral and humanitarian ground.<sup>130</sup> In addition to that

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<sup>126</sup> Ibid., 57-63.

<sup>127</sup> Ibid., 65.

<sup>128</sup> Christian Kaunert, "Liberty versus Security? EU Asylum Policy and the European Commission," *Journal of Contemporary European Research* 5, no. 2 (August 19, 2009): 148-70, <http://www.jcer.net/index.php/jcer/article/view/172>.

<sup>129</sup> European Parliament and Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (COM) 2016, 2016/0133 (proposal) (hereinafter Dublin IV Regulation Proposal), 2.

<sup>130</sup> Elizabeth Collett, "The Paradox of the EU-Turkey Refugee Deal," *Migration Policy Institute*, March 2016, <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

agreement there is also the recently revamped European Border and Coast Guard Agency, which has received more power and resources to monitor external borders, though to somewhat debatable effect.<sup>131</sup> The Regional Protection Programmes and the Joint Resettlement Program are attempts by the EU and the United Nations to address the crisis at its source, by investing in the African Great Lakes Region, the Horn of Africa, and Northeast Africa with the hopes of stemming the steady flow of migrants into Europe.<sup>132</sup> Title V of the Treaty on the Functioning of the European Union (TFEU) emphasizes the opening of internal borders and establishment of common asylum and immigration policies while also calling for an increase in external security.<sup>133</sup> As the migrant crisis has continued, the EU and its states have increasingly relied upon this clause to direct their attention to security and non-EU solutions instead of enforcing the quotas, resettlement procedures, and other measures meant to be enacted within the Union.

#### *Conflicts with CEAS and treaty law*

Key to this shift is the contrast between the wording implicit in both EU treaties and the CEAS regulation and the actions taken by the individual member states in response to the crisis. My analysis of the treaties revealed several interesting points and issues in the wording used to guide state action. The Treaty on a European Union (TEU) specifies the free movement of persons as one of its foundations in Article 3.2, a concept that is reinforced, as previously mentioned, in Title V of the TFEU.<sup>134</sup> Title V of the TEU, the section concerning the Common Foreign and Security Policy, calls for a “high degree of cooperation” through “common policies and actions” with the goal of strengthening democracy and peace, an idea repeated many times

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<sup>131</sup> “A European Border and Coast Guard.”

<sup>132</sup> “Policy Plan on Asylum: An Integrated Approach to Protection Across the EU,” 10.

<sup>133</sup> Consolidated Version of the Treaty on the Functioning of the European Union, 2016 O.J. C 202 (hereafter TFEU post-Lisbon).

<sup>134</sup> TEU post-Lisbon, art. 3.2.



throughout the document.<sup>135</sup> Despite this, the Council of the EU nearly always has to act unanimously when making decisions concerning this area of policy. According to the same treaty, the Union is only permitted to act when the member states are unable to do so efficiently or when that action is “better achieved at Union level.”<sup>136</sup> It certainly seems that the EU is needed to handle the sharing of migrants and streamlining of the reception and resettlement system, but not all states are showing “solidarity,” a word I found used dozens of times throughout my analysis of both EU treaties and the myriad of regulations concerning this issue.

“Solidarity” is a simple but incredibly difficult concept that is easy to endorse and much harder to put into action. Because the entire foundation of the EU is built upon this idea of sharing and integrating everything from money to people to policies, it is critical to the functioning of the system that the member states can work together. The TEU explicitly states that “member states shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with [these policies]” and emphasizes many times after that states must “show mutual solidarity” in the communication of matters of foreign, security, and asylum policy as well as in the implementation of those systems and policies.<sup>137</sup> Unfortunately, as is explained in the 2016 evaluation of the Dublin III Regulation, lack of trust between member states is a serious issue that has prevented them from sharing responsibility. They want hard data to back up transfer requests and other actions because they do not trust that other nation’s interview and reception processes will be legitimate. The report states that the “smooth working of the system... often depends on relationships of

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<sup>135</sup> Ibid., art 21.

<sup>136</sup> Ibid., art. 5.

<sup>137</sup> Ibid., art. 24.3.

trust... which are often weak or non-existent.”<sup>138</sup> Though a proposal for the Dublin IV Regulation attempts to solve this issue (in part by changing take-back “requests” to “notifications” to cut out inter-nation debate and effectively force “trust”), the new regulation is still in the negotiation process.<sup>139</sup> In another report published in September of 2017, the European Commission reproaches the Czech Republic, Hungary, and Poland for not accepting the quotas in the Emergency Relocation System, which it calls “legally binding Council decisions” to which “all have to contribute.”<sup>140</sup> The proposal for Dublin IV agrees that, “progress is being stalled by the fact that the track record of implementation of EU law in the field of asylum is poor. Ensuring the full and swift implementation by member states of EU law is a priority.”<sup>141</sup> For all of its talk about solidarity, trust, and cooperation, the EU is really struggling to enforce these concepts in a time when several states have resorted to an “each man for himself” ideology. As mentioned, the Dublin IV proposal is an effort to alleviate some of the cooperation issues by further streamlining procedures, but true solidarity will require more than just supranational reform.

#### *Diverse political response and lack of united support*

The varied political response and support of the EU asylum system has decreased the effectiveness of the mechanisms and the ability to construct new ones. There are three main groups into which elite national and EU level political actors can be split: those that are entirely committed to the CEAS and other actions of the EU, those that support asylum but do not necessarily approve of the steps taken by the EU, and those who are skeptical of the global crisis and do not wish to accept migrants. The first group includes the majority of the older member

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<sup>138</sup> “Evaluation of the Implementation of the Dublin III Regulation,” 9.

<sup>139</sup> Dublin IV Regulation Proposal, 16.

<sup>140</sup> “Relocation and Resettlement: Sharing responsibility and opening legal pathways to Europe.”

<sup>141</sup> Dublin IV Regulation Proposal, 4.

states and those most affected by the current crisis, such as Greece and Italy. It also includes prominent pro-Europe politicians such as former EP president Martin Schulz, who has expressed his support for the current policies and concern that all states do not just do as they are required in order for processes to run smoothly.<sup>142</sup> Other actors, such as Sweden, acknowledge the need for a response to the crisis, but call for an overhaul of the current system in order to properly address it. In a speech to the European Parliament in 2016, Swedish Prime Minister Stefan Löfven decried the lack of “working European solutions” and lamented that his country had felt the need to “take unilateral action,” when there is so much potential for European cooperation.<sup>143</sup> Though both groups admit that reform is needed, the main difference between politicians such as Löfven and those such as Schulz or European Commission President Jean-Claude Juncker is that the first group, mainly (and understandably) national leaders, places the blame on EU-level failures to organize, while the supranational leaders point their fingers at the member states that are not cooperating.

Even more opposed than the first two groups is the third, which is characterized by contempt for and skepticism of the CEAS and the global crisis as a whole. The elites most frequently forming a part of this political set are those from the Czech Republic, Poland (especially since the elections of 2015), Slovakia, and Hungary, though they also hail from populist and nationalist parties in other countries such as the United Kingdom and France. A common sentiment is the claim that the refugee and migrant crisis is not due to legitimate reasons and that rather than a “refugee crisis” it is a “mass exodus” of people coming to take

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<sup>142</sup> “European Parliament President Urges Action On Migration Crisis,” *NPR*, April 22, 2015, <http://www.npr.org/2015/04/22/401427293/european-parliament-president-urges-action-on-migration-crisis>.

<sup>143</sup> “Speech by Prime Minister Stefan Löfven at European Parliament,” Government Offices of Sweden, March 9, 2016, <http://www.government.se/speeches/2016/03/speech-by-prime-minister-stefan-lofven-at-european-parliament/>.

advantage of the European economy and society.<sup>144</sup> Hungarian representatives have called the quota system “absurd,”<sup>145</sup> and Nigel Farage of the United Kingdom stated that, “ISIS are now using this route to put their jihadists on European soil.”<sup>146</sup> Skepticism surrounding the migrants’ origins and aspirations is key to these attacks against both the EU and the migrants themselves. Despite all the Union’s attempts to portray a united front and construct solidarity, little progress can be made when there is such criticism amongst high-level national officials and even the more EU-positive political groups are hesitant to agree upon the path to success.

#### *Potential for future reform*

The May 2016 proposal for Dublin IV directly acknowledges, “an increasing disregard of the rules” due to “excessive strain” upon the member states and their asylum responsibilities.<sup>147</sup> It states that the EU is attempting to handle the problem by “applying the current [Schengen system and asylum] rules” and cites the partnership with Turkey as a successful solution, but also admits that the need for reform is “widely acknowledged.”<sup>148</sup> It is not entirely clear how well the EU believes it is addressing the issue with the “current” measures, but it has outlined a series of changes that should make the Dublin system, and all of the CEAS, function much more efficiently. In addition to the take-back “notifications” already mentioned, the Dublin IV Regulation, should it pass in its current form, creates a mechanism to handle “disproportionate pressure” via “corrective allocation.”<sup>149</sup> This policy consists of an automatic emergency trigger

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<sup>144</sup> Georgi Gotev, “Hungary Says This Is Not a Refugee Crisis, but Mass Exodus,” *EURACTIV*, June 14, 2016, <http://www.euractiv.com/section/global-europe/news/hungary-says-this-is-not-a-refugee-crisis-but-mass-exodus/>.

<sup>145</sup> *Ibid.*

<sup>146</sup> “Migrant crisis: Farage says EU ‘mad’ to accept so many,” *BBC News*, September 9, 2015, <http://www.bbc.com/news/uk-politics-34197707>.

<sup>147</sup> Dublin IV Regulation Proposal, 2.

<sup>148</sup> *Ibid.*, 2.

<sup>149</sup> *Ibid.*, 4-8.

to alleviate uneven pressure, based on the number of arrivals in a given country. This is a stark contrast with the former version of CEAS, which relied upon member states to report excessive stress, using a “pressure” gauge that was vague at best.

Even with these reforms, however, human rights and migrant advocate groups such as the European Council on Refugees and Exiles (ECRE) have protested the changes and called for greater overhaul of the system. They argue that Dublin IV remains too similar to Dublin III, maintaining a focus on keeping people out instead of resettling fairly and efficiently within, placing the burden of complicated, inaccessible rules on migrants instead of making them clearer and easier to follow, and failing to really address the unequal stresses that certain states will undoubtedly continue to face.<sup>150</sup>

### *Summary*

It is clear that despite some attempted reform, the European Union still has a long way to go. Ultimately, this leaves us with the question of why the Union has tried and failed time and again to develop a sufficient mechanism to address the situation. It experienced a similar, though slightly smaller, crisis in the 1990s during the Yugoslavian Wars and was unable to settle, then or in the following years, upon a singular policy that would effectively address a large-scale, long-term migrant crisis. It has had several years to find a solution for the current situation and only managed to enact modest, generally ineffective reforms. The conflicting wording in the treaties and asylum regulations causes tension between the obligation to show solidarity and the tendency for states to prioritize national security. Furthermore, a wide array of political actors and a growing populist front have stirred up fierce debate and politicized the

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<sup>150</sup> “ECRE Comments on the Commission Proposal for a Dublin IV Regulation,” European Council on Refugees and Exiles, October 2016, <https://www.ecre.org/wp-content/uploads/2016/10/ECRE-Comments-Dublin-IV.pdf>.

issue. My research suggests that there is a larger problem at the root of this political dilemma: a lack of attention afforded to policy areas concerning refugees and migrants.

## **II. Lack of institutional attention to relevant policy areas**

Foreign affairs, security and defense, and immigration policy have, historically, been ignored by the European Union. Though this deficiency of attention is not due to lack of concern (Eurobarometer polls show that the public believes the EU should work harder to develop said policies),<sup>151</sup> it is present nonetheless, mainly because the member states have had trouble agreeing on common goals, methods, and responses as they concern foreign and migration related affairs. Some disagree because they do not want EU involvement in non-economic policy areas at all, feeling comfortable with integration as far as it concerns the common market, but concerned about losing control of national security and immigration levels. Hesitation and politicization surrounding foreign and immigration policy integration result in a lack of attention to those areas, which has in turn produced underdeveloped and inadequate mechanisms.

### *Difficulty forming common policy*

Chapter 1 included a history of the Union's integration and policy development in the fields of foreign affairs, security and defense, and immigration and asylum, as well as a brief discussion of migration through the years. What is obvious in each of these stories is a general failure to decide on or successfully enact common policies in these areas. During the Yugoslavian Wars, several countries hesitated to assist in Eastern Europe because they were concerned that accepting refugees would harm the Maastricht Treaty ratification process.<sup>152</sup> Once Maastricht was officially signed and migrants were entering the Union, some states called for a quota system to ease the pressure, but enough rejected it that they ended up working

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<sup>151</sup> "Eurobarometer 35-87," March 1991-May 2017.

<sup>152</sup> "European Divisions Persist."

individually to handle the burden.<sup>153</sup> While they were apparently apprehensive about agreeing to work collectively on relocation and resettlement, states were much more comfortable sharing financial burdens, and proved it by investing in peace-making and rebuilding efforts in the former Yugoslavia.<sup>154</sup> Though a quota system was suggested, the only system of any kind was Temporary Protection, which was based upon false assumptions and utilized as a short-term solution. The response to the Yugoslavian migrant crisis demonstrates how little attention was and is paid to immigration and asylum, which was pushed aside to make room for economic aid and peace-making in the worn-torn region. This is not to say that aid and assistance at the source will not also help solve a problem in the long-term, only to point out that solutions should not be offered as Band-Aids and then ignored as soon as the issue seems to be resolved. Because “burden-sharing was a dismal failure,” Yugoslavia became “an emergency” even if it did not need to be one.<sup>155</sup>

Founded as an economic union first and a political union second, the EU has always placed external affairs (immigration and asylum included) on the back burner, even as decades of Eurobarometer public opinion polls demonstrate that the public desires common policies in foreign affairs, security, and defense, and asylum and immigration more recently.<sup>156</sup> The Eurobarometer polls show consistently high levels of support, only dipping during the economic crisis when people lost some of their confidence in all tiers of government (Figures 3 and 4). Since 2015, immigration has been the number one EU-level concern among citizens, with the amount of people citing it as a main issue rising by 14% between late 2014 and the beginning of

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<sup>153</sup> Ibid.

<sup>154</sup> Durieux, “Temporary Protection.”

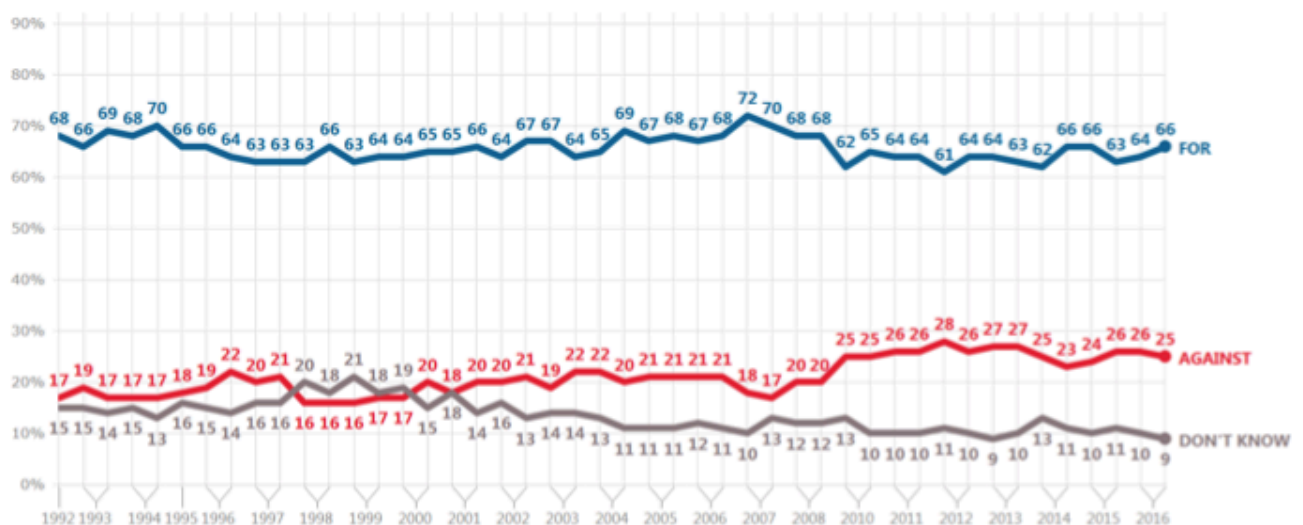
<sup>155</sup> Ibid.

<sup>156</sup> “Eurobarometer 35-87.”

2015.<sup>157</sup> Despite the high percentage favoring common policies and agreeing that those areas would fall within EU competences (in 2016, the support for common defense and security, migration, and foreign policies were all at least 8% higher than that for the monetary union),<sup>158</sup> neither the Union nor its member states have sufficiently valued the international and immigration policy field.

Figure 3.

**QA17.2** What is your opinion on each of the following statements? Please tell me for each statement, whether you are for it or against it.  
**A common foreign policy of the 28 Member States of the EU (% - EU)**



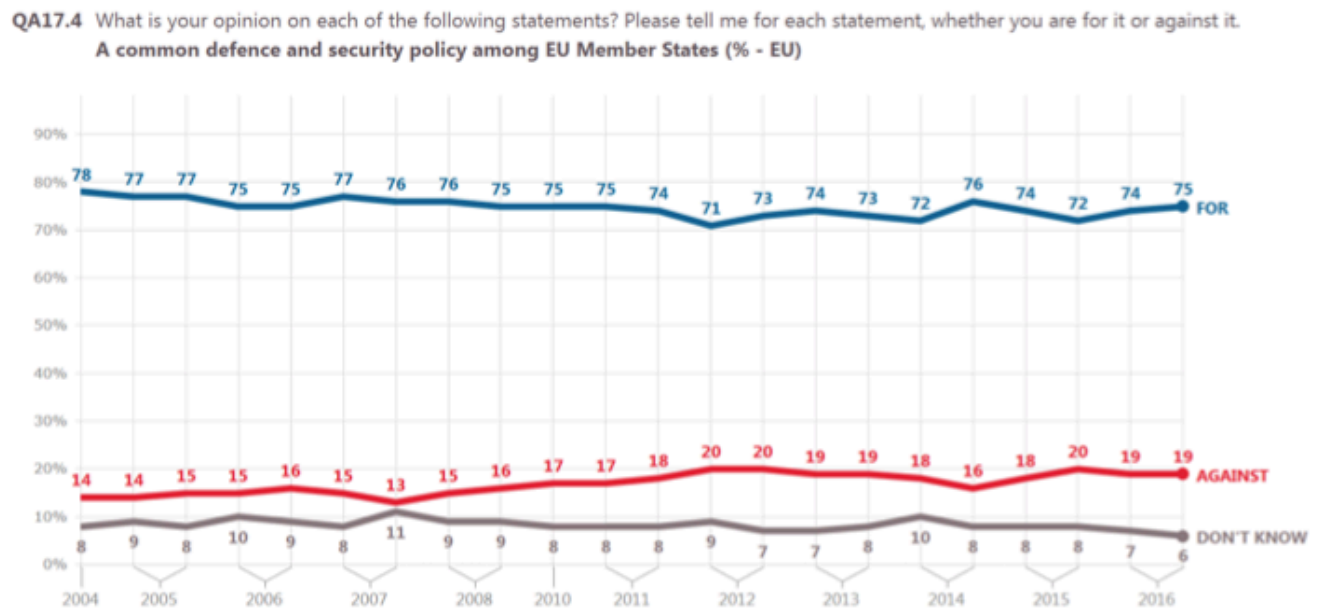
Reproduced from “Eurobarometer 86: Priorities,” November 2016, 10.

<sup>157</sup> “Eurobarometer 82,” November 2014; “Eurobarometer 83,” May 2015.

<sup>158</sup> “Eurobarometer 86,” November 2016.



Figure 4.



Reproduced from “Eurobarometer 86: Priorities,” November 2016, 6.

### *Opposition to supranational power in non-economic policy fields*

Part of this inattention is the result of continued discomfort with supranational power in areas surpassing economics and internal politics. Euroscepticism, a typically right-driven ideology opposed to further European integration, is limited as it concerns the Economic and Monetary Union but grows much stronger as soon as social, cultural, and international issues reach the table. This opposition extends even to joint-actions such as human rights agreements. During the constitutional crisis in 2005, several states were worried about accepting the Fundamental Rights agreement into the new document, and the UK and Poland were ultimately exempt in the Treaty of Lisbon that was passed in 2007.<sup>159</sup> Even for those nations that signed the

<sup>159</sup> Streinz, “The European Constitution.”

agreement, it was not very firmly binding and did little to change the acceptable conditions of human rights throughout Europe.<sup>160</sup>

It seems somewhat surprising that the European Union, which aims to be such a force for freedom and democracy, would have so much trouble convincing its member states to sign a treaty on human rights. However, human rights, like immigration, ultimately begs the question of how a state is going to treat people, those from within and without, who deserves a voice, and how the state will appear on the global stage. In the May 2005 Eurobarometer poll, the top concern for those opposed to the Constitution was “loss of national sovereignty.”<sup>161</sup> Best explains that people were “alarmed” by the Constitution in 2004 and 2005, not because of specific policies on security or asylum or anything else, but because the idea of a “constitution” represented something concrete and powerful and more supranational, even if only in name.<sup>162</sup> They worried that such a step would give the Council of the EU the power to move forward with Turkey’s accession, which was a major concern among citizens, especially during the 2000s.<sup>163</sup> While in the years they were asked about specific countries’ accession, citizens have consistently supported EU expansion for countries like Hungary (until it acceded), Switzerland and Norway, there is always a large drop in affirmative answers when people are asked about countries such as Albania and Turkey.<sup>164</sup> In May 2005, the gap was 43%; in October it was 46%.<sup>165</sup> It seemed unlikely that anyone would agree to give a supranational polity any more power when they might be able to make such a decision. Doing so would make the “in” and “out” groups subject to

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<sup>160</sup> Ibid.

<sup>161</sup> “Eurobarometer 63,” May 2005.

<sup>162</sup> Best, “After the French and Dutch Referendums,” 182.

<sup>163</sup> Ibid., 181.

<sup>164</sup> “Eurobarometer 52,” October 1999; “Eurobarometer 54,” November 2000; “Eurobarometer 56,” October 2001; “Eurobarometer 63”; “Eurobarometer 64,” October 2005.

<sup>165</sup> “Eurobarometer 63”; “Eurobarometer 64.”

European-level definition (or redefinition), in a sense allowing the EU to determine who is “European” and who is not.

*Conflicts addressing security and migration and the rise of populism*

This identity-related tension breeds differing ideas about how to address issues of security, immigration, and even foreign policy. One difference between the Yugoslavian and predominantly African and Middle Eastern migrant crises is the ethnic and cultural bias that is stronger against the current migrants and asylum-seekers than it was against the Eastern Europeans (Figures 5 and 6). Even at that time, however, France claimed Germany’s higher migrant acceptance rates were due to the preexisting presence of Yugoslavian peoples in their country, saying that if Algerians were coming to Europe they would come to France and be eagerly welcomed.<sup>166</sup> During the years of the Yugoslavian Wars, Eurobarometer polls reveal steady trends: people supported aid to the war-torn countries, but were fearful of refugees and migrants fleeing into their midst.<sup>167</sup> In 1991, the first year of the crisis, 33% of people wanted to restrict immigrant rights, 14% more than the year before.<sup>168</sup> In 1994, 43% of citizens believed that there were “too many” foreigners in their country, although in that same year a majority expressed their desire to increase aid to Rwanda and Yugoslavia.<sup>169</sup> The 1997 poll demonstrates that the number of people supporting restrictions to migration from Africa was only 1% higher than the number supporting restrictions to migration from Eastern Europe (60% and 59%, respectively).<sup>170</sup>

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<sup>166</sup> “European Divisions Persist.”

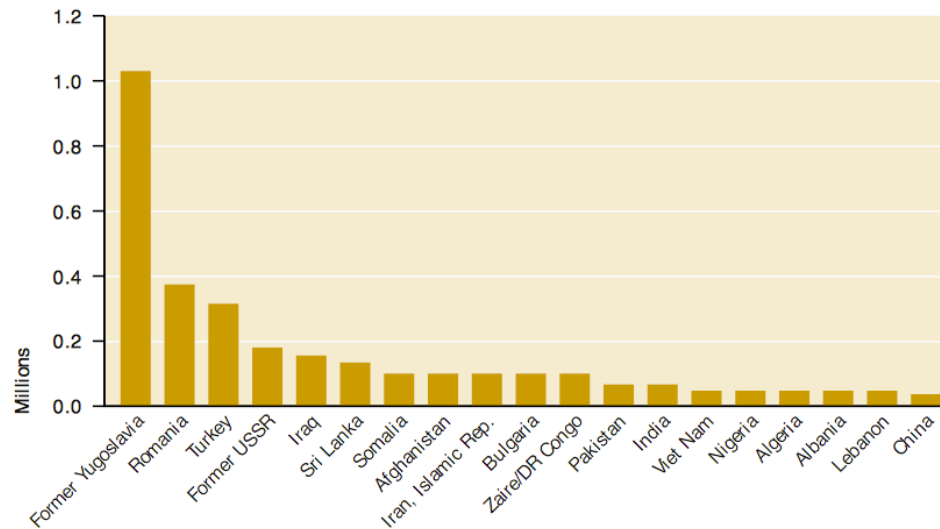
<sup>167</sup> “Eurobarometer 35”; “Eurobarometer 36,” December 1991; “Eurobarometer 37,” March 1992; “Eurobarometer 38,” September 1992; “Eurobarometer 40,” October 1993; “Eurobarometer 42,” November 1994.

<sup>168</sup> “Eurobarometer 35.”

<sup>169</sup> “Eurobarometer 42.”

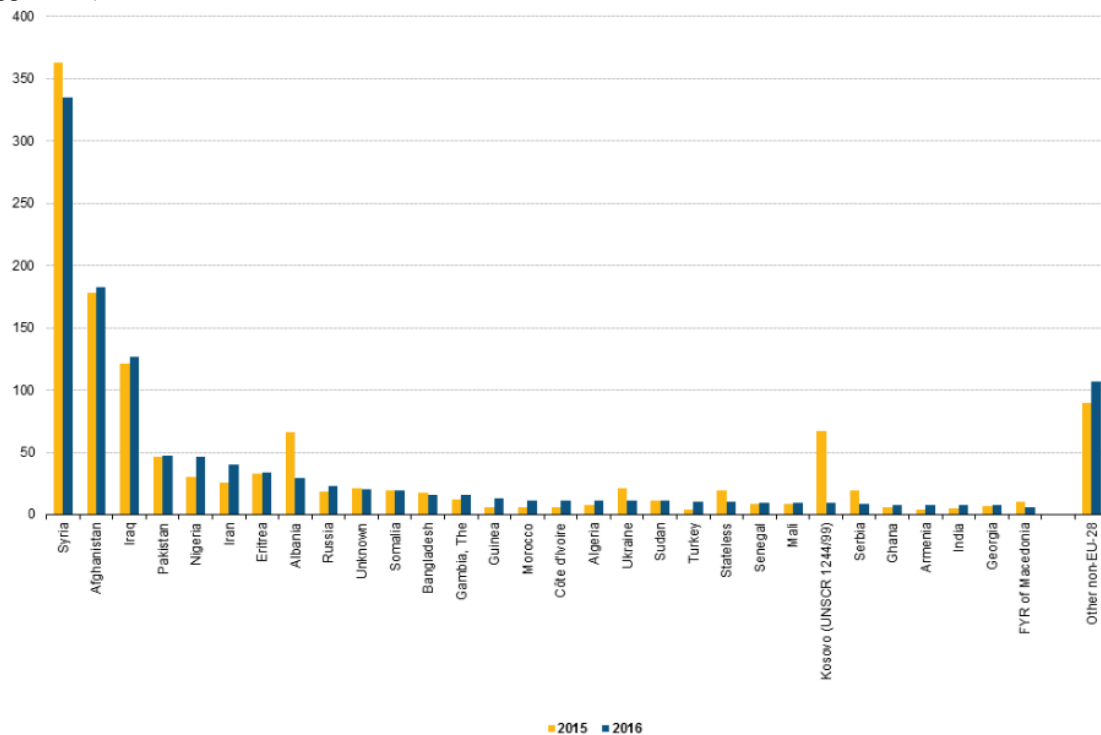
<sup>170</sup> “Eurobarometer 48,” October 1997.

Figure 5.  
“Main country/territory of origin of asylum seekers in Western Europe, 1990-99”



Reproduced from UNHCR, “Asylum in the industrialized world,” in *The State of the World’s Refugees*, 160, <http://www.unhcr.org/3ebf9bb10.pdf>.

Figure 6.  
“Countries of Origin of (non-EU) asylum seekers in the EU-28 member states, 2015 and 2016 (thousands of first time applicants)”



Reproduced from Asylum Statistics, Eurostat, last modified March 15, 2017, [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries\\_of\\_origin\\_of\\_\(non-EU\)\\_asylum\\_seekers\\_in\\_the\\_EU-28\\_Member\\_States,\\_2015\\_and\\_2016\\_\(thousands\\_of\\_first\\_time\\_applicants\)\\_YB17.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries_of_origin_of_(non-EU)_asylum_seekers_in_the_EU-28_Member_States,_2015_and_2016_(thousands_of_first_time_applicants)_YB17.png).

Perhaps we should not be surprised that Europe has had so much difficulty handling the current migrant crisis, when the cultural differences are even more pronounced than they were during the Yugoslavian crisis. Europe has consistently proved resentful of its newest wave of migrants, only to represent that group as an “insider” when a new population of “outsiders” comes along. This sort of reception and response demonstrates a need to differentiate between cultures and customs even within old EU member states. There is an inherent bias based upon shared language and origin, regardless of whether it is explicitly referenced or not. If, as in the previous example of Germany and France, two of the founding members of the Union cannot accept the same group of migrants in the name of solidarity, how can an entire continent agree on a policy to determine a larger and more controversial crisis?

The answer to this question is that, right now, they cannot. Increasing concerns about border security and the influx of migrants have fueled a rise of populism, and vice versa. As they have all across the world, right wing parties have come into power in the EU using “defensive nationalism”<sup>171</sup> rhetoric to securitize, claiming threats of terrorism and migrant-driven economic dangers.<sup>172</sup> Poland voted the Law and Order party into power in 2015 and though Marine Le Pen lost the French presidential election in the spring of 2017, her unprecedented success in the EU’s founding member state set the stage for further gains by right wing extremist parties. The German parliamentary elections in the fall of 2017 allowed the far-right AfD (Alternative for Germany) party seats in the Bundestag (the first group of its kind in 60 years).<sup>173</sup> The right-wing nationalist People’s Party that won the Austrian election shortly afterwards

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<sup>171</sup> Kriesi, “The Politicization of European Integration.”

<sup>172</sup> Kaunert, “Liberty versus Security?”

<sup>173</sup> Jon Henley and Carmen Fishwick, “German elections 2017: Angela Merkel wins fourth term but AfD makes gains – as it happened,” *The Guardian*, September 24, 2017, <http://www.theguardian.com/world/live/2017/sep/24/german-elections-2017-angela-merkel-cdu-spd-afd-live-updates>.

invited the Freedom Party, a group founded by former Nazis, to join its government coalition.<sup>174</sup>

Both of these parties are anti-immigration and anti-Muslim, in the name of anti-terrorism.<sup>175</sup>

With elites and groups like these coming to power around Europe, it is unsurprising that asylum and immigration reform has been difficult. After years of being sidelined, these policies are finally receiving attention, just not attention of a positive nature.

### *Summary*

In short, a lengthy history of inadequate efforts and consideration made the current asylum system one of inefficient means and convoluted measures, an array of half-hearted attempts and unsupported endeavors. This tradition of mistrust in supranational foreign- and security-related policy, combined with the underlying social, cultural, and ethnic biases inherent in all of Europe, makes it difficult for political actors to enact unified asylum and immigration reforms even when the public demonstrates overarching support for common policy.

### **III. Undefined power structure and institutional identity in relevant fields**

The lack of attention to foreign, security, and immigration policy is both a cause and an effect of the vague system of power and weakly constructed institutional identity in the polities that govern those areas. An undefined power structure generates opposition to continued development, but weak integration and progress also breeds a sense of ambiguity, a power void that becomes a battleground for national and supranational warfare. This fragile identity is the product of the governing body having an unclear foundation and direction, and a lack of public identification with that institution as a credible, salient force. This issue is particularly significant in the non-economic areas of the EU, which do not possess the same history as their

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<sup>174</sup> Editorial Board, "In Election, Austria's Nazi Past Raises Its Head," *The New York Times*, October 16, 2017, <https://www.nytimes.com/2017/10/16/opinion/austria-election-sebastian-kurz.html>.

<sup>175</sup> "In Election, Austria's Nazi Past Raises Its Head."

EMU predecessor. In a world dominated by the concept of the nation-state, the EU needs all of its institutions to function within well-defined parameters, and if they do not, for the people to have a sense of identity concerning both themselves and the institutions as a means of political safety net. Right now, in a time of crisis, the European Union meets neither of these conditions.

*Lack of demand for integration and credible commitments*

The public and elite actors will generate demand for integration when they feel that it presents greater potential benefits than costs. When there is a problem best solved by the EU, such as the economic crisis, integration is considered worthwhile.<sup>176</sup> As is evident in the biannual Eurobarometer opinion polls, the European debt crisis was used as an opportunity for (much needed) reform because the people saw the EU as the actor best fit to fix the situation.<sup>177</sup> When the Union institutionalized the supranational qualities of the currency and brought it further under EU control, the public and the national elites accepted the move because there was a high demand for integration.<sup>178</sup>

In contrast, integration stalled during the Constitutional crisis in 2005 because people were reluctant to vote for something they felt would increase EU power unnecessarily.<sup>179</sup> Eurobarometer evidence shows that people were unhappy with the EU's economic situation and the government's handling of the situation. All of the polls conducted in 2004 and 2005 reveal lower levels of trust and confidence in the Union, as well as unemployment ranked as the number one concern. While people remained largely positive in their opinions on the proposed Constitution, general distrust and discontent with EU and national institutions and economies led

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<sup>176</sup> Faíña, "Counterpoint vs. Disharmony," 190-95.

<sup>177</sup> "Eurobarometer 71"; "Eurobarometer 73.2"; "Eurobarometer 75: The Crisis"; "Eurobarometer 77: The Crisis"; "Eurobarometer 79: The Crisis"; "Eurobarometer 81: The Crisis."

<sup>178</sup> Preunkert, "Trust and Currency," 45-56; "The European Sovereign Debt Crisis."

<sup>179</sup> Best, "After the French and Dutch Referendums," 182.

the French and Dutch to strike it down.<sup>180</sup> Applying Faíña's game theory to this situation, we find that supranational integration is much less likely to continue when the motivation is not at least partially economic.<sup>181</sup>

When member states do not feel pressure to fix a problem, they will not create credible commitments and there will be nothing enforcing their solidarity on issues such as security or asylum policy.<sup>182</sup> In the cases of the non-compliant Central European states, they have no demand for integration because the benefits of stalling are high: they can continue about their business without accepting hardly any refugees because they are less geographically inclined to receive migrants on their borders naturally. Hungary has not accepted a single relocation, while Poland and the Czech Republic have each gone more than a year and a half without one.<sup>183</sup> Even when they do not admit the required quota, they still do not pay the 250,000 euros that member states are obligated to provide for each refugee they fail to resettle. On the opposite end of this bargain are Italy and Greece, who welcome thousands of arrivals due to their seaside locations and their proximity to Turkey and Northern Africa. These countries have received more refugees and migrants than they can handle, and in turn were more than eager to share the load and comply with the Emergency Relocation System. Germany and Sweden have admitted high numbers as well, although they also acted outside of EU regulation in doing so, and obviously determined that the cost of this burden was worth the benefits of their status' as leaders in the Union.

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<sup>180</sup> "Eurobarometer 61-65," February 2004-May 2006.

<sup>181</sup> Faíña. "Counterpoint vs. Disharmony," 192.

<sup>182</sup> Ibid., 191-95.

<sup>183</sup> Mehreen Khan, "EU Takes Poland, Hungary, Czech Republic to Court over Migrant Quotas," *Financial Times*, December 7, 2017, <https://www.ft.com/content/f3e03cfd-9314-3571-9d3b-379413bf027a>.



Rather than reject the Emergency Relocation System outright, several states have initiated border checks and built walls and fences with their neighbors, attempting to contain the migrants in other countries rather than incur the costs of relocation and resettlement themselves. Austria has established border controls along its border with Italy, just as Slovenia has built a razor wire fence along its border with Croatia, both attempting to prevent migrants from the migrant-heavy coastal countries from entering their states.<sup>184</sup> As people pile up in tiny camps under dangerous and unsanitary conditions, neighboring countries shut their doors, preferring to keep their few dozen refugees rather than accept thousands.<sup>185</sup>

The member states are able to push the limits of EU regulation and launch this power struggle because they have not created credible commitments. This is obvious to the EU, which has emphasized the need for compliance with EU asylum law in its policy plan for Dublin IV, and in its summary of the European Border and Coast Guard Agency's development, where it mentions a list of short-comings caused by member state disobedience.<sup>186</sup> The latter document states that nations have not fully contributed to FRONTEX funds, responded to deployment calls, or utilized the equipment pools to their capacity.<sup>187</sup>

This power struggle, which is not entirely new but appears more severe now that states are actually ignoring legal orders, is made worse by the unprecedented construction of the EU.

By definition, a nation-state is a polity that has a monopoly on authority in a given territory, but

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<sup>184</sup> Brussels and Giuffrida, "Austrian Troops to Stop Migrants Crossing Border with Italy"; Barbara Surk, "Slovenia Builds Border Fence to Stem Flow of Migrants," *The New York Times*, November 11, 2015, <https://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html>.

<sup>185</sup> James McAuley, "Central European Countries Resist New E.U. Refugee Quota Proposal," *Washington Post*, May 4, 2016, [https://www.washingtonpost.com/world/europe/central-european-countries-resist-new-eu-refugee-quota-proposal/2016/05/04/5be5a32c-120e-11e6-a9b5-bf703a5a7191\\_story.html](https://www.washingtonpost.com/world/europe/central-european-countries-resist-new-eu-refugee-quota-proposal/2016/05/04/5be5a32c-120e-11e6-a9b5-bf703a5a7191_story.html).

<sup>186</sup> Dublin IV Regulation Proposal.; "A European Border and Coast Guard."

<sup>187</sup> "A European Border and Coast Guard."

in the Union, the member states have chosen to cede some of their power to a supranational entity. When there is no demand for integration and therefore no credible commitments, what is to stop the member states from defecting and pursuing their own best interests? Martin Schulz, one of the most vocal proponents of the EU, declared in an interview that, “in the end, how [many] people are received in a country is not in the hands of the institutions of the Union. It is in the hands of the sovereign countries.”<sup>188</sup> The then-president of the European Parliament did not have the confidence that there was anything binding the nations other than their desire to cooperate. Even when the Commission or the Council admonish states for their noncompliance, it is often unclear how much can be done to punish them for their actions. In various statements and reports, the EU has criticized the Czech Republic, Poland, and Hungary for ignoring “legally binding Council decisions” in their refusal to accept the quota system, but it is still to be determined whether the impending court case will turn out in favor of the EU or the member states.<sup>189</sup> Furthermore, if the courts decide that the three states must pay the suggested fines, will they pay? What is to stop them from ignoring this order just as they have others? The European Court of Justice affirmed the European Commission’s right to impose a mandatory quota in an emergency situation, which this certainly seems to be, however even President of the European Council Donald Tusk now admits that perhaps a quota system is not the best practice and that financial mechanisms might be better suited to fit the EU’s structure and needs.<sup>190</sup> Tusk’s statement was met with support from many of the Central and Eastern European countries and indignation on the part of the Western states. This conflict is yet unresolved as December 2017

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<sup>188</sup> “European Parliament President Urges Action On Migration Crisis.”

<sup>189</sup> “Relocation and Resettlement: Sharing responsibility and opening legal pathways to Europe.”

<sup>190</sup> David M. Herszenhorn, “Tusk to Ask EU Leaders to Declare Mandatory Refugee Quotas ‘ineffective,’” *Politico*, December 7, 2017, <https://www.politico.eu/article/donald-tusk-to-ask-eu-leaders-to-declare-mandatory-refugee-quotas-ineffective/>.

EU Summit negotiations failed to shift any opinions and a July 2018 deadline for quota reform draws nearer and nearer.<sup>191</sup> Countless EU officials have expressed their frustration with the recent lack of cooperation, though beneath that frustration there is a hint of helplessness. Said European Commission First Vice President Frans Timmermans, “It would make a world of difference if member states would just do what they agreed before.”<sup>192</sup>

### *Lack of institutional identity*

When the power structure is weak or vague as it is in this situation, the institution relies upon identity for its legitimacy. As briefly described in Chapter 1, while an institution itself cannot technically have an identity, those within it do, and their understanding of the foundation, purpose, and direction of the institution shapes that image. For the purposes of this thesis, I call this self-perception and sense of purpose “institutional identity.” Applying Brewer and Herrmann’s concept of “zero-sum identity” to the EU, it is clear that each time the supranational level integrates further it loses a portion of the intergovernmental nature that is based on individual national identities.<sup>193</sup> Instead of focusing on the states as separate entities, those in power must see the EU as an increasingly singular polity. This idea is important because it explains the rise in tension between the EU and its member states when certain policy areas experience deeper integration. Because identity is so connected with legitimacy, states fear for their individual power when the Union claims a new policy field within its competences.

Although the EU has worked to build a common identity through means such as the creation of a flag, the selection of an anthem, and measures like the social cohesion policies, it has also attempted to preserve national identities, complicating the identity construction process.

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<sup>191</sup> “Migration: EU summit fails to bridge east-west divide,” *Deutsche Welle*, December 15, 2017, <http://www.dw.com/en/migration-eu-summit-fails-to-bridge-east-west-divide/a-41807105>.

<sup>192</sup> Brussels and Giuffrida, “Austrian Troops to Stop Migrants Crossing Border with Italy.”

<sup>193</sup> Brewer and Herrmann, “Identities and Institutions: Becoming European in the EU,” 12-13.

Furthermore, the Union's efforts to establish a common identity – or any identity at all – are sometimes more challenging because there is no prior definition of this sort of supranational entity. In a world where the nation-state is considered the “natural” order, the EU has had to work over time to build legitimacy. If we employ Brewer et al.'s research in an analysis of the current crisis, we can determine that the EU must be perceived as a real entity at the international level for identification, both by the public and internally, to be successful, but it sometimes experiences challenges because of the lack of precedent. Not only is there a conflict between “traditional statehood” and the Union's version of supranational rule, there is also a tension between the diverse structure of EU institutions, a struggle to find balance between organizations driven by EU-loyal professionals and those constructed from a more intergovernmental perspective.<sup>194</sup>

This occasional discontinuity is in part due to a history of functionalism in which elites and nation states have institutionalized the supranational system via many informal methods and practices. Since the EU began as a structure with which to eliminate cause for war between states, it has maintained a tradition of pragmatism, visible even as recently as the constitutional crisis in 2005. When the French and Dutch referendums sent the proposed Constitution to its end, scholars and politicians alike suggested a pragmatism route to solve the problem, encouraging the EU to tack important provisions into the Croatian accession plan in order to salvage the desired legal frameworks.<sup>195</sup> The majority of the changes were indeed included in a revision of the old treaties, putting the fundamental reforms into play without creating a clearer or more cohesive framework to unite them.

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<sup>194</sup> Brigid Laffan, “The European Union and its Institutions as ‘Identity Builders,’” in *Transnational Identities: Becoming European in the EU*, ed. Marilyn Brewer, Richard K. Herrmann, and Thomas Risse (Lanham, MD: Rowman & Littlefield, 2004), 77-78, 84-95.

<sup>195</sup> Best, “After the French and Dutch Referendums,” 184-85.

Integration and reform in the EU has always been a “patchy” process, a combination of treaties, regulations, and the assumption of functions or powers by various institutions that has slowly created the current set of rules and practices. On occasion, concepts that were once implicit have become explicit, such as democratic values and human rights standards, which were coded into the Treaty on European Union after years of vague agreement and adherence among states.<sup>196</sup> The problem with delayed institutionalization is that the states and the public have become accustomed to functioning within a non-institutionalized system and must readjust or accept a new, more concrete one. As has been previously described, even human rights became a difficult concept to agree upon once the EU attempted to legally solidify it in treaty law.

*Necessity of common public identification with institutions*

The much longer history of the Economic and Monetary Union has provided a firm institutional identity that is reconfirmed by public identification with the monetary union as a legitimate system. Because the EMU is incredibly salient in people’s lives, it is afforded a certain degree of identification that less visible and less prominent institutions cannot possibly receive. A polity relies upon the public when it struggles to construct its own stable identity and people begin to identify with institutions when those institutions become more influential and present in their lives.<sup>197</sup> This is why integration has made people feel more “European.” As shown in years of Eurobarometer polls, EU identification slowly increases over time as people are affected by various EU organizations, regulations, and governance.<sup>198</sup> According to additional research included in one 1995 Eurobarometer poll, identification dips again when the

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<sup>196</sup> Laffan, "The EU and its Institutions," 81-82.

<sup>197</sup> Brewer and Herrmann, "Identities and Institutions," 3, 14-15.

<sup>198</sup> “Eurobarometer 53-87.”

EU goes through enlargement because citizens in the new member states do not feel nearly as “European.”<sup>199</sup> Crises also decrease support and identification because of general dissatisfaction with EU operations.<sup>200</sup>

Those that are most affected by certain institutions will feel the greatest identification with them. Economic influence is salient in all societies and areas of life, which, combined with the lengthier history of the EMU, makes identification with that branch of EU power much stronger. Applying Brewer and Herrmann’s theory of common identity as a buffer for institutional failure,<sup>201</sup> I argue that, in the case of the migrant crisis, there does not seem to be enough community or identity to support the lack of institutional stability. In comparison with other geopolitical entities around the world, the EU is unique in the lengths to which it delves into society, touching nearly every facet to varying extents. As it continues to integrate deeper and deeper, the Union relies upon shared identity to legitimize its actions, and consequently, to function in an effective manner. When public trust in institutions drops during and after a crisis such as the current one, there is little at all to back up struggling organizations; the EU attempts to assert its authority as push-back and resentment grows among both the general public and the nation states. Without support from these two parties, the supranational government cannot possibly function efficiently. The EU requires donations of power from the national level and a certain amount of mass acknowledgement to maintain supremacy over local and national law, without which it is nothing but a group of European elites begging the member states to listen to them.

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<sup>199</sup> “Eurobarometer 44,” October-December 1995.

<sup>200</sup> Ibid.

<sup>201</sup> Brewer and Herrmann, “Identities and Institutions,” 3.

To prevent such a situation, the supranational institution must build an identity that is clear, but not too narrow that it might exclude certain members. Mummendey and Waldzus' in-group bias and prototype bias theories help to explain why a poorly defined identity could be dangerous in the European Union.<sup>202</sup> A vague definition of "European" allows each nationality to develop their own sense of what makes a proper European, creating a French version of "European" based entirely on French culture and values, a Spanish version based on Spain, and so on. In this scenario, each member state will consider other member states, candidate states, and migrant countries of origin as less European than themselves, the prototype. Furthermore, Europeans will be more resentful of the new group of "outsiders": migrants such as Syrians or Nigerians, or even Serbs and Turks.

Given the lack of trust between countries and the consistent disapproval of "outsider" countries, it is clear that these problems are very present today. The Union, whose very motto "United in Diversity" suggests contradiction, has always struggled to balance this emphasis on diverse backgrounds with its desire to create a cohesive whole.<sup>203</sup> The Treaty on the Functioning of the European Union attempts to summarize its aims of "respecting... national and regional diversity and at the same time bringing the common cultural heritage to the fore."<sup>204</sup>

This is a nearly impossible task and anything resembling diversity without discrimination is much easier said than done. As previously stated, however, institutions gain legitimacy through public (and sometimes international) identification, and often that shared identity is linked with the progress of the given institution. In order for such a polity to be successful, it

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<sup>202</sup> Mummendey and Waldzus, "National Differences and EU Plurality," 60-70.

<sup>203</sup> Ruth Wodak, "National and Transnational Identities: European and Other Identities Constructed in Interviews with EU Officials," in *Transnational Identities: Becoming European in the EU*, ed. Marilyn Brewer, Richard K. Herrmann, and Thomas Risse (Lanham, MD: Rowman & Littlefield, 2004), 122-125.

<sup>204</sup> TFEU post-Lisbon, art. 167.

must possess Campbell's "entitativity" and its foundational factors.<sup>205</sup> It could be argued that part of the fear of Turkish accession is the hazy understanding of "boundedness" tied to this political debate: Is Turkey part of Europe, or is it part of Asia? According to the concept of entitativity, a state or an institution must have some sort of border, be it physical or more abstract; the EU cannot exist in an undefined sort of bubble that stretches to touch certain areas, ignores others, and operates in still others with a half-way, pieced together array of practices and patchy legal frameworks. It must define what it is and what it wishes to do. As Best wrote when addressing the failure of the 2005 Constitution: "unless it is reasonably clear who 'we' are, it is hard to decide what 'we' want to construct together."<sup>206</sup> Loyalty to the EU's monetary union may be relatively deep at this point in history, but the validity of the EMU is only worth so much; that alone is not enough to create a truly united polity. Complete cultural homogeneity should not be necessary for "a union among the people of Europe" (which, after all, is not the same thing as a common European people), rather the EU needs a political existence that is strong enough to avoid stalling integration every time people begin to doubt it.

The lack of a firm power structure and clear identity in asylum and migration related fields has created an entity without complete entitativity. There is proximity, but the rapid influx of migrants has begun to confuse the EU's concept of boundedness and the diverse responses and failure to comply with EU-wide rulings have been similarly detrimental to the "common fate" and "similarity" components. Instead of acknowledging shared experiences, struggles, and values, some member states have used differences to divide themselves and to justify shutting migrants out. When this begins to happen, and without a steady public identification to secure

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<sup>205</sup> Castano, "European Identity," 44-50.

<sup>206</sup> Best, "After the French and Dutch Referendums," 183.



the fields of foreign affairs, security and defense, and immigration, the supranational government quickly loses its footing to the national governments that maintain the root of EU power.

### *Summary*

In summary, while the Euro crisis created a demand for further integration, the migrant crises (both Yugoslavian and current) did not because the effect has been imbalanced, unevenly distributed throughout the continent. Without a high cost for disobedience, states like Hungary or the Czech Republic can ignore quotas and fail to contribute resources to joint efforts with little concern because punishment is only enforced when those very states cooperate in creating credible commitments. They will only establish credible commitments when they benefit from integration, which requires a transition of control to the supranational government. In situations of ambiguity or conflict, a power struggle follows, only compounded by the patchy institutional framework and the EU's generally confused identity as it relates to all foreign and migration matters. The Union does not have a solid definition of purpose and means in these fields and the general public does not recognize its legitimacy enough to compensate for the lack of clarity.

### **IV. Summary**

Each of the factors explained in this chapter contributes to the Union's poor response to the refugee and migrant crisis and explains why the EU has struggled to deal with the situation. My argument can be summarized into three main points or steps: the failure to develop adequate migration mechanisms within an appropriate time frame, the lack of attention afforded to migration-related policy areas by EU institutions, and poorly defined systems of power and identity in those fields.

While the Yugoslavian migrant crisis was not dissimilar in nature, it included a smaller population and one that was more alike to the typical European in culture and appearance than

many of the migrants now arriving in Europe. Although those migrants were not met with a warm welcome either, and at the time were often resented by Western Europeans, there were a few important distinctions. Notably, the Yugoslavian migrant crisis had different geopolitical implications, in that it was considered to be a short-lived crisis and the people came from countries sharing land borders with EU states. These particularities led European countries to handle the situation in a different manner than they have migrant crisis today.

I used the Constitutional crisis to provide further context for the migrant crisis because both represent a conflict of identity, though one is concerned with those within and the other with those without. The decades of Eurobarometer polls demonstrate the public's intense preoccupation with the accession of Turkey and other less stereotypically "European" countries, a concern that, along with frustration about their national governments, drove voters in France and the Denmark to strike down the proposed Constitution. Even deeper at the heart of this identity crisis was the insecurity about the existence of a "constitution," which seemed to mean that the EU would suddenly take on a much more powerful role than before. Though this was not true and the EU effectively had a constitution already, the tension here reveals a hesitation to submit national power into supranational hands, especially as it concerns the non-economic fields. The EU was able to overcome the Constitutional identity crisis by shifting the reforms into new treaty legislation and it did so because many of those reforms were wanted and needed by the majority of the member states.

Similarly, the member states submitted to EU power and reforms during the economic crisis because they believed the Union to be the actor best fit to solve the situation, a viewpoint echoed by citizens across the continent. Money being something that unites everyone, they were

less disposed to noncompliance than they are now, when some member states are not affected in the same way as others.

In contrasting these other crises with today's crisis and combining that context with power and identity theories, I find that the lack of proper migration mechanisms before and during the crisis is a product of this historical blindness to foreign, security, and immigration matters. The EU was established as an economic organization and it will always have that foundation, but even when it has attempted to move forward in other areas it has been thwarted time and again. The conflict of power between nation states and the supranational polity is an important part of what drives integration back every time there is an attempt to push ahead. Furthermore, when a struggle begins or a crisis hits, there is no solid foundation to back up the EU's control of foreign and immigration policy because the public does not attribute a solid identity to those areas, and nor is the Union able to define itself, its goals, and its methods. In essence, the EU has been unable to manage the current migrant crisis because its lack of identity, clear power structure, and institutional direction in migration-related fields has made it impossible to find a common solution among the member states.

## **Chapter 5: Conclusion**

With peak numbers of migrants arriving in 2015 and 2016, the refugee and migrant crisis has taken a great toll on the member states of the European Union, putting pressure on reception and resettlement resources, inspiring fierce political debate, and straining the supranational cohesion among countries across the continent. While some states have responded by accepting more refugees or encouraging their fellow nations to do so, others have refused to take part in the EU's asylum and immigration regulations, rejecting quota distribution plans and constructing fences along their borders. The political and institutional conflict created by and contributing to the migrant crisis is what I choose to highlight in my research and my argument. Such noncompliance is unprecedented in the Union's history and presents a daunting challenge for a polity that relies upon interstate cooperation to function. Although the EU has faced several other "crises," it is this one that has done the most to split it apart; I investigate the reasons (historical, political, and institutional) behind this apparent collapse of solidarity and the consequent failure to address the situation. As previously stated, I do not address the human side of the crisis, which has involved thousands of lives lost and incredible struggle on the part of the refugees and migrants. This topic is too broad for the extent of this thesis and I chose instead to focus on the institutional dynamics that, in turn, affect both the migrants and the people receiving and resettling them.

I begin this thesis with a brief history of the European Union and its development from a solely economic entity to a broader supranational power that attempts to regulate its members in the fields of foreign, security, and immigration policy. After that I detail the history of migration in the EU and describe the current refugee and migrant crisis that is now affecting the continent. This information is meant to give the reader some context with which to begin considering my

argument; without understanding this history, it is impossible to fully grasp the distinction between the states' and the EU's attention to and handling of economic issues versus migratory or cultural matters. Because of the deep history of the EMU, the Union has felt comfortable dealing with economic and fiscal policies in a much more intrusive manner, just as the states have felt more comfortable allowing it to do so. This history of smooth economic and political integration contrasts with the more recent development of foreign and migration policy fields. Their relative newness means less secure policies and power, but is also the result of failed integration, which itself was due to states' unwillingness to share political power in those structurally grey areas: foreign affairs, security and defense policy, and migration and asylum.

Following this historical introduction, I present the reader with several theories about integration, politicization, power, and identity. While I explore the latter two topics in pursuit of my final argument, the first pair of ideas sets the stage for my own original research. In this analysis I seek to discover not only why member states might choose to continue integration or why certain issues might become politicized, but to ask what was unique about this particular crisis that would prompt a number of nations to act in complete noncompliance with EU law. I follow with a second question, which asks, more broadly: what does this failure to address the problem say about deeper institutional or systematic issues within the European Union?

In response, I study a wide variety of sources, both primary (such as Eurobarometer, CEAS legislation, and the EU treaties) and tertiary (such as theoretical analysis of identity and power issues in the European Union and in government more generally). This research leads me to a conclusion that can be dictated in three basic parts:

1. The European Union lacked the mechanisms necessary to respond to the migrant crisis when it occurred, and did not act promptly to develop adequate measures in a reasonable amount of time.
2. The failed response is in large part due to the historical deficiency of attention given to the laws, policies, and practices in the fields of foreign affairs, security and defense, and immigration and asylum at the supranational level.
3. The failure of attention is the result of an undefined power structure in those policy areas (which consists of a great tension between the EU and the nation states, who are still uncomfortable with submitting their power in many non-economic realms) and a vague institutional identity (which involves the supranational power possessing little public identification and remaining unable to self-define in the aforementioned policy areas). This conflict creates an environment unfit for developing policy to which states will agree and follow obediently and results in ineffective solutions or no solutions at all.

Essentially, the EU was unwilling and unable to respond to the migrant crisis because the crisis is one that concerns a combination of political, social, and cultural issues that the people, the states, and the Union itself have not been able to place within a clear set of values and regulations. The power and identity literatures described in the preceding chapters help to explain this where basic integration and politicization theories do not, moving beyond the strictly political sphere to encompass a broader lens of structural ambiguities and vague institutional identity.

Because supranational entities rely upon nation states for their power, they are ineffective when those states either do not agree upon a course of action or do not agree to give up enough power to allow majority rule and supranational institutions to take charge. Legal assertions of

“solidarity,” embedded in each treaty and migration regulation, are not enough to keep member states in line; nations need a credible commitment – a self-selected penalty for disobedience. In the case of the EMU, fiscal and economic problems are enough to encourage states to both follow the law and accept further integration and reform. When it comes to areas that ask different groups to define their own cultural values, to understand who they are as Europeans and how they wish to respond to “non-European” people and conflicts, the EU has a much harder time defining appropriate policy.

This insecurity at the EU level and constant pushback at the national level has bred a system of foreign, security, and immigration policies that is patchy and at times hardly institutionalized. Attempts to truly reform and regulate, including the recent Dublin and CEAS updates, have been met with skepticism and have been less than effective. What is clear is that the EU does not have a sufficiently stable structure with which to handle these issues, nor does it know exactly where the power lies when states and supranational bodies come into conflict. The Union is facing a moment of reckoning in that it is failing to demonstrate authority over its member states and lacking a crisis response that will prove to them and the world that it is indeed capable of handling the problem. Without adequate demand for integration, and certainly without proof that it is the actor best suited to manage the crisis, the EU cannot expect support from the public or the member states.

While Europe certainly did not handle the Yugoslavian migrant crisis with ease, that crisis came to its end in a matter of years. The migrant crisis of today is a global one, not limited to refugees of the Syrian civil war or those fleeing violence in Nigeria. People are traveling from regions devastated by war, but also areas destroyed by natural disasters and global warming;

most of the conflicts driving migration have no end in sight. The EU cannot afford to wait around for the problem to go away without ever developing a real solution.

This crisis does not necessarily portend complete disaster nor does it mean that the Union will fall apart, but it does mean that the EU will likely see some major changes. The U.K. has already elected to leave and right-wing nationalist parties continue to rise throughout the continent. The EU struggles to keep its member states in check when it knows that there is often little individual benefit to their compliance with CEAS and the quota system.

In a representative expression of frustration, Eugenio Ambrosi, Regional Director of the International Organization for Migration in the EU, Norway, and Switzerland, declared: “Let’s not forget that member states in Europe [also have] a code of conduct – it’s called European law... including the duty and obligation to show solidarity in fact and not in words.”<sup>207</sup> The EU has pushed integration further and further in the passing years, overcoming the economic crisis and the Constitutional crisis of 2005 to reach this point. Even if member states are obligated to obey European law and demonstrate solidarity, they are still the providers of integration and supranational power; they are the ones who may choose to back away when they wish.

My research demonstrates the importance of the history of EU policy and integration to understanding its current problems. At the same time, it is critical that we take a step back to look at a larger structural picture. Although there are certainly political and social components to the non-compliance, those factors would be more plausibly addressed if the Union were able to create an identity as an immigration and asylum policy building institution. Without clear goals and practices, and without addressing the power struggle between the national and supranational

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<sup>207</sup> “EU Backs Italy in Stand-off with NGOs over Refugee Rescue,” *Deutsche Welle*, July 4, 2017, <http://www.dw.com/en/eu-backs-italy-in-stand-off-with-ngos-over-refugee-rescue/a-39546570>.



governments, the EU will have difficulty alleviating the crisis. Because this crisis is a global phenomenon that betrays little chance of resolving itself in the near future, Europe cannot wait to act.

Although my thesis brings to light some of the causes of the Union's recent failures, it does not go so far as to suggest a solution. A variety of scholars, politicians, and international organizations have already begun constructing plans for both reform and new policy. There is a broad array of ideas and recommendations, many of which would probably do a lot to address the migrant crisis. Beyond regulations and reforms, however, it would be beneficial for the Union and its member nations to take a closer look at the foundations of its immigration and asylum structures, if not at the entire field of foreign affairs, security, defense, and immigration. Upon inspection of the EU, one might recognize that the patchwork nature of the institutions and devices in the aforementioned areas is closely linked to the Union's ineffectiveness. Reforming Dublin III and enforcing mandatory resettlement quotas is a start, but a larger overhaul may be necessary to address the issues of competences and powers, cohesive goal setting, and real solidarity. Those specific changes are for future researchers to propose.

The refugee and migrant crisis has now continued for several years and tensions are only rising. Development of an effective immigration and asylum policy takes assistance from all parties and relies upon acceptance from the general population. Though it will be a very difficult process, the first step will be to show that it is capable of punishing its noncompliant member states. Without taking a stand to define its power structure, the Union will be unable to draft appropriate mechanisms that avoid political entanglement and distribute persons with as little red tape and interstate debate as possible. If it proves that it is capable of handling the migrant crisis and willing to enforce solidarity, it might just manage to take a few steps forward.

## Works Cited

- “Austria Lays Groundwork for Hungarian Border Fence.” *Reuters*, September 20, 2016.  
<https://www.reuters.com/article/us-europe-migrants-austria/austria-lays-groundwork-for-hungarian-border-fence-idUSKCN11Q0R0>.
- Bergmann, Julian and Arne Niemann. "Theories of European Integration." In *The SAGE Handbook of European Foreign Policy: Two Volume Set*, edited by Knud Erik Jrgensen, Kalland Aarstad, Edith Drieskens, Katie Laatikainen, and Ben Tonra, 166-81. London: SAGE Publications Ltd, 2015. <https://doi.org/10.4135/9781473915190.n11>.
- Best, Edward, “After the French and Dutch Referendums: What Is to Be Done?” *Intereconomics: Review of European Economic Policy* 40, no. 4 (July/August 2005): 180-85.
- Bickerton, Christopher J., Dermot Hodson, and Uwe Puetter. "The New Intergovernmentalism and the Study of European Integration." In *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era*, edited by Christopher J. Bickerton, Dermot Hodson, and Uwe Puetter, 4-48. Oxford: Oxford University Press, 2015.  
<http://www.oxfordscholarship.com.libproxy.lib.unc.edu/view/10.1093/acprof:oso/9780198703617.001.0001/acprof-9780198703617-chapter-1>.
- Bindi, Federiga. “European Union Foreign Policy: A Historical Overview.” In *The Foreign Policy of the European Union: Assessing Europe’s Role in the World*, edited by Federiga Bindi, 13-38. Washington, D.C.: The Brookings Institution Press, 2010.  
[https://www.brookings.edu/wp-content/uploads/2016/07/theforeignpolicyoftheeuropeanunion\\_chapter.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/theforeignpolicyoftheeuropeanunion_chapter.pdf).
- Börzel, Tanja A. and Thomas Risse. “From the Euro to the Schengen Crises: European Integration Theories, Politicization, and Identity Politics.” *Journal of European Public Policy* 25, no. 1 (April 28, 2017): 83-108.  
<https://doi.org/10.1080/13501763.2017.1310281>.
- Brewer, Marilynn and Richard K. Herrmann. "Identities and Institutions: Becoming European in the EU." In *Transnational Identities: Becoming European in the EU*, edited by Marilynn Brewer, Richard K. Herrmann, and Thomas Risse, 1-22. Lanham, MD: Rowman & Littlefield, 2004.
- Castano, Emanuele. “European Identity: A Social-Psychological Perspective.” In *Transnational Identities: Becoming European in the EU*, edited by Marilynn Brewer, Richard K. Herrmann, and Thomas Risse, 40-58. Lanham, MD: Rowman & Littlefield, 2004.
- Collett, Elizabeth. “The Paradox of the EU-Turkey Refugee Deal.” *Migration Policy Institute*, March 2016. <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

Commission of the European Communities. “Policy Plan on Asylum: An Integrated Approach to Protection Across the EU.” 2008.

Consolidated Version of the Treaty on European Union, 2016 O.J. C 202.

Consolidated Version of the Treaty on the Functioning of the European Union, 2016 O.J. C 202.

Costello, Cathryn. “The Asylum Procedures Directive and the Proliferation of Safe Country Practices: Deterrence, Deflection and the Dismantling of International Protection.” *European Journal of Migration and Law* 7 (2005): 35-70.

Daley, Claire. “Timeline of European Integration.” CIVITAS Institute for the Study of Civil Society. Last modified August 2015.  
<http://www.civitas.org.uk/content/files/OS.15.TimelineEUIntegration.pdf>.

De Wilde, Pieter and Michael Zürn. “Can the Politicization of European Integration Be Reversed?” *Journal of Common Market Studies* 50, no. S1 (March 2012): 137-53.  
<https://doi.org/10.1111/j.1468-5965.2011.02232.x>.

Durieux, Jean-François. “Temporary Protection: Hovering at the Edges of Refugee Law.” *Netherlands Yearbook of International Law* 45 (December 2014): 221-53.  
[http://dx.doi.org/10.1007/978-94-6265-060-2\\_9](http://dx.doi.org/10.1007/978-94-6265-060-2_9).

Editorial Board. “In Election, Austria’s Nazi Past Raises Its Head.” *The New York Times*, October 16, 2017. <https://www.nytimes.com/2017/10/16/opinion/austria-election-sebastian-kurz.html>.

“EU Backs Italy in Stand-off with NGOs over Refugee Rescue.” *Deutsche Welle*, July 4, 2017.  
<http://www.dw.com/en/eu-backs-italy-in-stand-off-with-ngos-over-refugee-rescue/a-39546570>.

European Commission. “Areas of EU Action.” What the European Commission Does. Accessed December 8, 2017. [https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action\\_en](https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action_en).

----. “Asylum Statistics.” Eurostat: Statistics Explained. June 21, 2017.  
[http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics).

----. “Common European Asylum System.” Migration and Home Affairs. Last modified December 18, 2017. [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en).

----. “The EU and the Migration Crisis.” Last modified July 2016.  
<http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>.

----. “Eurobarometer 35-87.” March 1991-May 2017.

- . "EU-Turkey Statement: One Year On." March 2017. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu\\_turkey\\_statement\\_17032017\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf).
- . "Relocation and Resettlement: Sharing responsibility and opening legal pathways to Europe." September 2017. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906\\_relocation\\_and\\_resettlement-sharing\\_responsibility\\_and\\_increasing\\_legal\\_pathways\\_to\\_europe\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_relocation_and_resettlement-sharing_responsibility_and_increasing_legal_pathways_to_europe_en.pdf).
- European Council on Refugees and Exiles. "ECRE Comments on the Commission Proposal for a Dublin IV Regulation." October 2016, <https://www.ecre.org/wp-content/uploads/2016/10/ECRE-Comments-Dublin-IV.pdf>.
- "European Divisions Persist Over Yugoslavia's Refugees Germans Criticize Other Europeans for Not Taking in More Displaced by War." *The Christian Science Monitor*, July 31, 1992. <http://search.proquest.com/docview/291208163/abstract/8771EF2BF7424513PQ/1>.
- European Parliament and Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (COM) 2016, 2016/0133 (proposal).
- European Parliament and Council Regulation 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 2013, O.J. L 180/31.
- "European Parliament President Urges Action On Migration Crisis." *NPR*, April 22, 2015. <http://www.npr.org/2015/04/22/401427293/european-parliament-president-urges-action-on-migration-crisis>.
- European Union. "A European Border and Coast Guard: One Year Out." 2017.
- . "Shaping of a Common Security and Defence Policy." European Union External Action. Last modified August 7, 2016. [https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy_en).
- Eurostat. "Asylum applicants by citizenship till 2007 Annual data (rounded)." Last modified May 8, 2015. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyctz&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyctz&lang=en).
- . "Asylum applications (non-EU) in the EU-28 Member States, 2006-2016 (thousands)." Asylum Statistics. Last modified March 15, 2017. [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Asylum\\_applications\\_\(non-EU\)\\_in\\_the\\_EU-28\\_Member\\_States,\\_2006-2016\\_\(thousands\)\\_YB17.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Asylum_applications_(non-EU)_in_the_EU-28_Member_States,_2006-2016_(thousands)_YB17.png)

- . "Countries of Origin of (non-EU) asylum seekers in the EU-28 member states, 2015 and 2016 (thousands of first time applicants)." Asylum Statistics. Last modified March 15, 2017. [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries\\_of\\_origin\\_of\\_\(non-EU\)\\_asylum\\_seekers\\_in\\_the\\_EU-28\\_Member\\_States,\\_2015\\_and\\_2016\\_\(thousands\\_of\\_first\\_time\\_applicants\)\\_YB17.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries_of_origin_of_(non-EU)_asylum_seekers_in_the_EU-28_Member_States,_2015_and_2016_(thousands_of_first_time_applicants)_YB17.png).
- Faíña, J. Andrés. "Counterpoint vs. Disharmony in the Constitutional Treaty: A European Paradox." In *Intereconomics: Review of European Economic Policy* 40, no. 4 (July/August 2005): 190-95.
- Gotev, Georgi. "Hungary Says This Is Not a Refugee Crisis, but Mass Exodus." *EURACTIV*, June 14, 2016. <http://www.euractiv.com/section/global-europe/news/hungary-says-this-is-not-a-refugee-crisis-but-mass-exodus/>.
- Government Offices of Sweden. "Speech by Prime Minister Stefan Löfven at European Parliament." March 9, 2016. <http://www.government.se/speeches/2016/03/speech-by-prime-minister-stefan-lofven-at-european-parliament/>.
- Graham-Harrison, Emma and Rosie Scammell, "Surge in Number of Migrants Trying to Reach Italy from Libya." *The Guardian*, February 18, 2015. <http://www.theguardian.com/world/2015/feb/18/thousands-of-migrants-nearly-die-in-a-week-trying-to-reach-italy-from-libya>.
- Haas, Ernst B. *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957*. Stanford: Stanford University Press, 1968.
- Hatton, Timothy. "Seeking Asylum in Europe." In *Economic Policy* 19, no. 38 (February 2004): 5-62. <https://doi.org/10.1111/j.1468-0327.2004.00118.x>.
- Henley, Jon and Carmen Fishwick. "German elections 2017: Angela Merkel wins fourth term but AfD makes gains – as it happened." *The Guardian*, September 24, 2017. <http://www.theguardian.com/world/live/2017/sep/24/german-elections-2017-angela-merkel-cdu-spd-afd-live-updates>.
- Herszenhorn, David M. "Tusk to Ask EU Leaders to Declare Mandatory Refugee Quotas 'ineffective.'" *Politico*, December 7, 2017. <https://www.politico.eu/article/donald-tusk-to-ask-eu-leaders-to-declare-mandatory-refugee-quotas-ineffective/>.
- Hooghe, Liesbet and Gary Marks. "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus." In *British Journal of Political Science* 39, no. 1 (January 2009): 1-23. <http://dx.doi.org.libproxy.lib.unc.edu/10.1017/S0007123408000409>.
- Hunt, Alex and Brian Wheeler. "Brexit: All you need to know." *BBC News*, September 5, 2017. <http://www.bbc.com/news/uk-politics-32810887>.

- Hutter, Swen and Edgar Grande. "Politicizing Europe in the National Electoral Arena: A Comparative Analysis of Five West European Countries, 1970-2010." In *Journal of Common Market Studies* 52, no. 5 (September 2014): 1002-18. <https://doi.org/10.1111/jcms.12133>.
- ICF International. "Evaluation of the Implementation of the Dublin III Regulation: Final Report." DG Migration and Home Affairs. March 18, 2016. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation\\_of\\_the\\_implementation\\_of\\_the\\_dublin\\_iii\\_regulation\\_-\\_executive\\_summary\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_implementation_of_the_dublin_iii_regulation_-_executive_summary_en.pdf).
- "Immigrant Population Hits New High in Germany." *Reuters*, last modified August 1, 2017. <https://www.reuters.com/article/us-germany-immigration/immigrant-population-hits-new-high-in-germany-idUSKBN1AH3EP>.
- Kaunert, Christian. "Liberty versus Security? EU Asylum Policy and the European Commission." In *Journal of Contemporary European Research* 5, no. 2 (August 19, 2009): 148-70. <http://www.jcer.net/index.php/jcer/article/view/172>.
- Khan, Mehreen. "EU Takes Poland, Hungary, Czech Republic to Court over Migrant Quotas." *Financial Times*, December 7, 2017. <https://www.ft.com/content/f3e03cfd-9314-3571-9d3b-379413bf027a>.
- Kriesi, Hanspeter. "The Politicization of European Integration." In *Journal of Common Market Studies* 54, Annual Review (September 2016): 32-47. <https://doi.org/10.1111/jcms.12406>.
- Laffan, Brigid. "The European Union and its Institutions as 'Identity Builders.'" In *Transnational Identities: Becoming European in the EU*, edited by Marilynn Brewer, Richard K. Herrmann, and Thomas Risse, 75-96. Lanham, MD: Rowman & Littlefield, 2004.
- Lane, Philip R. "The European Sovereign Debt Crisis." In *The Journal of Economic Perspectives* 26, no. 3 (2012): 49-67. <http://www.jstor.org/stable/41581131>.
- "Looking for a home." *The Economist Special Report: Migration*, May 28, 2016.
- Macdonald, Alastair and Noah Barkin. "End of Europe?" *Reuters*, January 18, 2016. <http://www.reuters.com/article/us-europe-migrants-alarm-insight-idUSKCN0UW107>.
- McAuley, James. "Central European Countries Resist New E.U. Refugee Quota Proposal." *Washington Post*, May 4, 2016. [https://www.washingtonpost.com/world/europe/central-european-countries-resist-new-eu-refugee-quota-proposal/2016/05/04/5be5a32c-120e-11e6-a9b5-bf703a5a7191\\_story.html](https://www.washingtonpost.com/world/europe/central-european-countries-resist-new-eu-refugee-quota-proposal/2016/05/04/5be5a32c-120e-11e6-a9b5-bf703a5a7191_story.html).

- “Migrant crisis: Farage says EU 'mad' to accept so many.” *BBC News*, September 9, 2015.  
<http://www.bbc.com/news/uk-politics-34197707>.
- “Migration: EU summit fails to bridge east-west divide.” *Deutsche Welle*, December 15, 2017.  
<http://www.dw.com/en/migration-eu-summit-fails-to-bridge-east-west-divide/a-41807105>.
- Moravcsik, Andrew. *The Choice for Europe : Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press, 1998.
- Mulholland, Rory, Henry Samuel, James Rothwell, Ashley Kirk, and Barney Henderson, “French Election Results.” *The Telegraph*, May 7, 2017.  
<http://www.telegraph.co.uk/news/2017/05/07/french-election-live-marine-le-pen-emmanuel-macron-presidency/>.
- Mummendey, Amelie and Sven Waldzus. “National Differences and European Plurality: Discrimination or Tolerance between European Countries.” In *Transnational Identities: Becoming European in the EU*, edited by Marilyn Brewer, Richard K. Herrmann, and Thomas Risse, 59-72. Lanham, MD: Rowman & Littlefield, 2004.
- Niall McCarthy. “The Countries With The Most Refugees Per Capita.” *Forbes*, June 18, 2015.  
[https://blogs-images.forbes.com/niallmccarthy/files/2015/06/20150618\\_Refugees\\_Fo.jpg](https://blogs-images.forbes.com/niallmccarthy/files/2015/06/20150618_Refugees_Fo.jpg).
- Preunkert, Jenny. “Trust and Currency: The Functional Preconditions and Problems of the Euro.” In *The European Union beyond the Crisis: evolving governance, contested policies, and disenchanted publics*, edited by Boyka M. Stefanova, 45-56. Lanham, Maryland: Lexington Books, 2015.
- Rankinin Brussels, Jennifer and Angela Giuffrida. “Austrian Troops to Stop Migrants Crossing Border with Italy.” *The Guardian*, July 4, 2017.  
<http://www.theguardian.com/world/2017/jul/04/austrian-troops-to-stop-migrants-crossing-border-with-italy>.
- Robinson, Duncan and Richard Milne. “EU States Told to Lift Schengen Border Controls within 6 Months.” *Financial Times*, May 2, 2015. <https://www.ft.com/content/0f96d0f2-2f4c-11e7-9555-23ef563ecf9a>.
- Sandford, Alasdair. “Hungary Completes New Anti-Migrant Border Fence with Serbia.” *Euronews*, April 28, 2017. <http://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia>.
- Scott, Patrick. “Data Analysis: The true scale of immigration and crime in Sweden in five charts.” *The Telegraph*, February 22, 2017.  
<http://www.telegraph.co.uk/news/2017/02/22/data-analysis-true-scale-immigration-crime-sweden-five-charts/>.

- Streinz, Rudolf. "The European Constitution after the Failure of the Constitutional Treaty," In *Zeitschrift für öffentliches Recht* 63, no. 2 (June 1, 2008): 159-87. <https://www.doi.org/10.1007/s00708-008-0208-7>.
- Surk, Barbara. "Slovenia Builds Border Fence to Stem Flow of Migrants." *The New York Times*, November 11, 2015. <https://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html>.
- "A timeline of the EU." *BBC News*, March 12, 2007. <http://news.bbc.co.uk/2/hi/europe/3583801.stm>.
- "Turkey Records Largest Number of Syrian Refugees, UN Reports." *Daily Sabah*, June 20, 2017. <https://www.dailysabah.com/politics/2017/06/20/turkey-records-largest-number-of-syrian-refugees-un-reports>.
- UNHCR. "Asylum in the industrialized world." In *The State of the World's Refugees*. Accessed February 5, 2018. <http://www.unhcr.org/3ebf9bb10.pdf>.
- UNHCR. "Global Trends: Forced Displacement in 2016." 2017. <http://www.unhcr.org/globaltrends2016/>.
- USA for UNHCR: The UN Refugee Agency. "What is a Refugee?" Last modified 2017. <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.
- van Mol, Christof and Helga de Valk. "Migration and Immigrants in Europe: A Historical and Demographic Perspective." In *Integration Processes and Policies in Europe*, edited by Blanca Garcés-Mascareñas and Rinus Penninx, 31-55. Cham: Springer International Publishing, 2016.
- Wodak, Ruth. "National and Transnational Identities: European and Other Identities Constructed in Interviews with EU Officials." In *Transnational Identities: Becoming European in the EU*, edited by Marilyn Brewer, Richard K. Herrmann, and Thomas Risse, 97-128. Lanham, MD: Rowman & Littlefield, 2004.